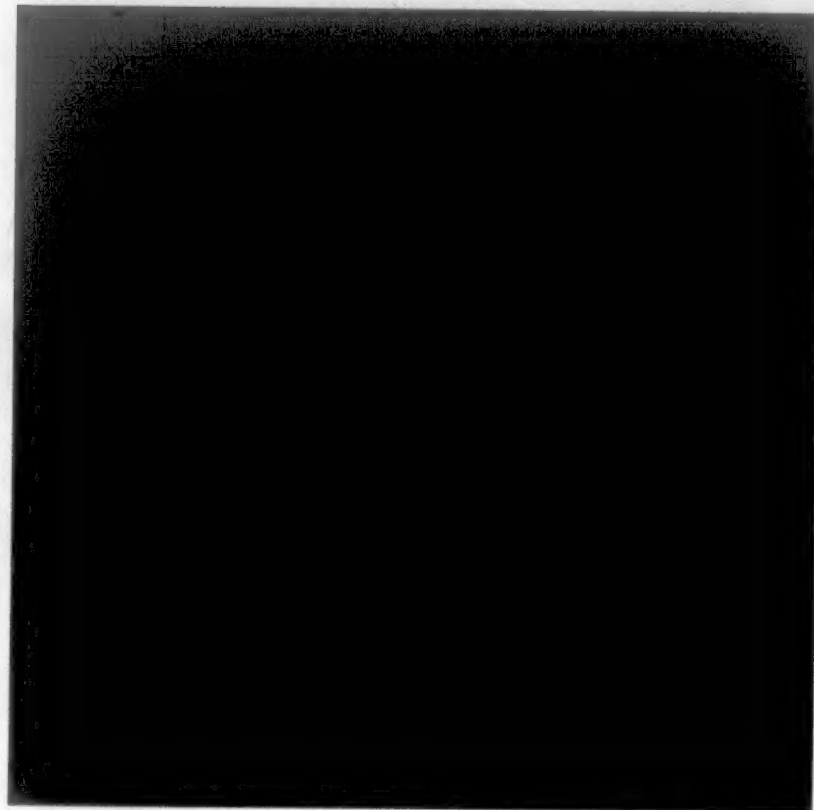
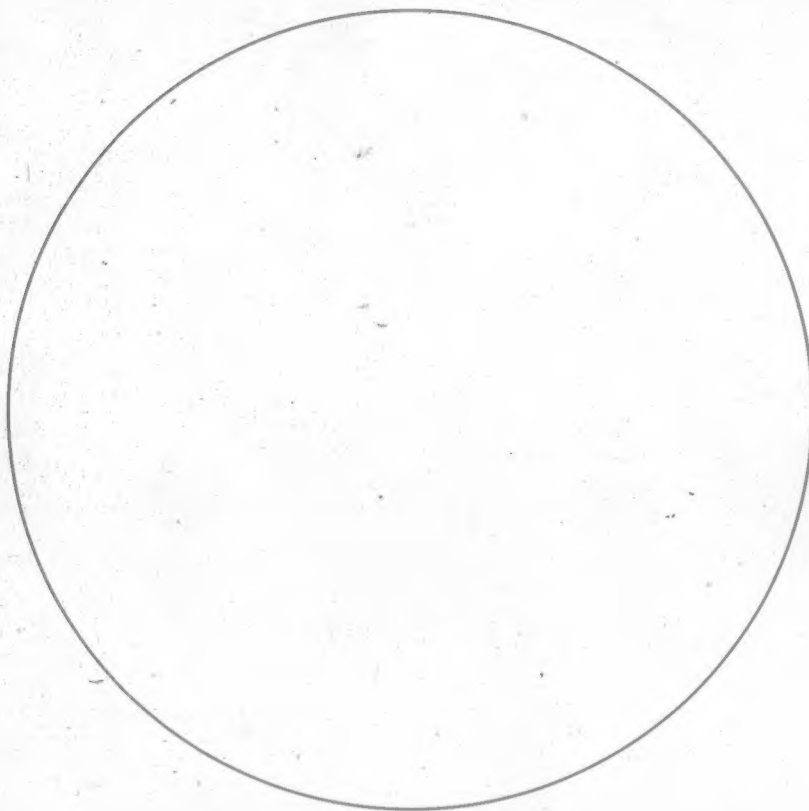
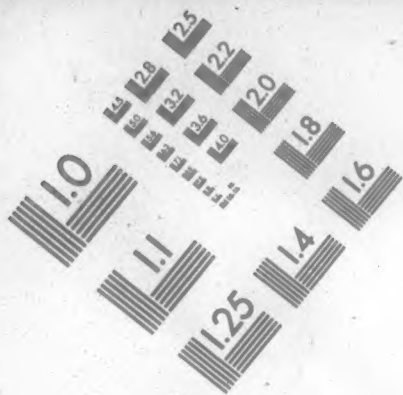


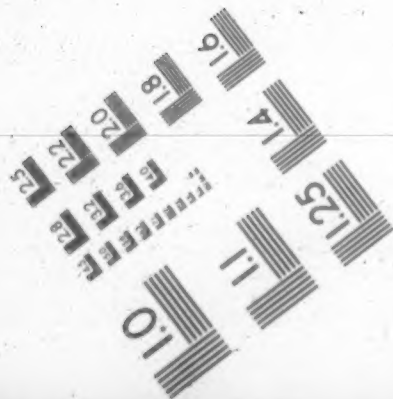
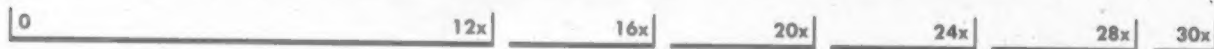


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 152

MISSISSIPPI CHOCTAW MCR 6005 - 6115

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw MCR 6005

Newton Vick

See MCR 5993

MCR 6005

Department of the Interior,
Commission to the Five Civilized Tribes.
Washoe, I. T., July 5, 1922.

X C - 4005 -

In the matter of the application of Newton Vick for
identification as a Mississippi Choctaw.

No attorney appeared for applicant.

Newton Vick, after being duly sworn, testified in his
own behalf as follows:

Examination by the Commission.

- Q. What is your name? A. Newton Vick.
Q. How old are you? A. I am twenty-six years old.
Q. How much Choctaw blood do you claim? A. One-sixteenth.
Q. What is your post-office address? A. Igash, Hopkins County,
Texas.
Q. How long have you lived in Hopkins County, Texas? A. About
twenty years.
Q. Where did you live before you went there? A. I was born in
Arkansas.
Q. You moved from Arkansas to Texas? A. Yes, when I was two or
three years old we moved to Texas and I have been there ever
since.
Q. Is your father living? A. Yes, sir.
Q. What is his name? A. Luther F. Vick.
Q. Did he appear before the Commission here the latter part of
last month? A. Yes, sir.
Q. Is your mother living? A. No, sir.
Q. What was her name? A. Sophronia Vick.
Q. Do you claim your Choctaw blood through your father? A. Yes,
sir.
Q. Do you know where he was born? A. In Illinois, I think.
Q. Did he ever live in Mississippi? A. I think not.
Q. Do you know through which one of his parents he got his Indian
blood? A. His father.
Q. What was his father's name? A. William Vick.
Q. Where was he born? A. I don't know; in Kentucky, I believe.
Q. Do you know where he lived during his life time? A. No, sir.
I don't know where he lived all the time; he lived in Kentucky
part of the time.
Q. Do you know any other place where he lived? A. No, sir.

- Q. Do you know how old William Vick would be if living now? A. No, sir.
- Q. Through which parent did he get Choctaw blood? A. His father.
- Q. What was his name? A. Stephen Vick.
- Q. You have heard that his name was Stephen Vick, have you? A. Yes, sir.
- Q. And you never heard it was Robert Vick, did you? A. No, sir.
- Q. Do you know where he was born? A. No, sir.
- Q. Do you know where he lived during his life time? A. No, sir.
- Q. Do you know whether your father was ever recognized in any manner as a member of the Choctaw tribe of Indians in Indian Territory? A. No, sir.
- Q. Are you married? A. No, sir.
- Q. You make this application for yourself alone, do you? A. Yes, sir.
- Q. Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. Not as I know of.
- Q. Did you ever make application to the tribal authorities for enrollment as a member of the Choctaw tribe? A. No, sir.
- Q. Did you or any one for you ever make application to the Commission to the Five Civilized Tribes, in 1896, for enrollment under the act of Congress approved June 10, 1896? A. No, sir.
- Q. Then you have never been admitted as a Choctaw citizen by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A. No, sir.
- Q. Has any application of any description ever been made by you or by any one for you before today for the purpose of establishing your rights as a Choctaw Indian under the fourteenth article of the treaty of Dancing Rabbit Creek? A. My father made application last month.
- Q. He didn't give your name in did he? A. I suppose he gave my name.
- Q. No, he was not permitted to make application for; you are over twenty-one years of age and have to make your own application. Do you appear at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A. Yes, sir.

This treaty of Dancing Rabbit Creek was entered into on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians in the State of Mississippi. At the time the treaty was made the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to secure the removal of the Choctaw Indians from the old Choctaw Nation to the new Nation west of Mississippi River, a part of which is now occupied by the Choctaws and Chickasaws and is commonly known as the Choctaw-Chickasaw country. At the time this treaty was made some of the Indians in the old Nation were unwilling to go West, and for the benefit of those who preferred to stay, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay in the old nation and not move west to the new Nation might receive lands therein Mississippi. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his or her intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. You understand that fourteenth article now, do you A. Yes, sir.
I think so.
- Q. Did any of your Choctaw ancestors, to your knowledge, live in Mississippi in 1830, when this treaty was made? That was 72 years ago? A. The Vicks lived in Mississippi at that time.
- Q. Are you sure of that? A. I think I am sure of it.
- Q. What one of the Vicks lived there then? A. I cannot give the name of any certain one, but there were Vicks there.
- Q. I am talking of your Choctaw ancestors, did any of them live in Mississippi when this treaty was made? A. I don't know of any of my direct ancestors.
- Q. You do not know, then, whether any of your direct ancestors lived there or not at that time? A. No, sir.
- Q. Do you know whether any of them removed to the present Choctaw Nation at the time of their removal of the great portion of the Choctaw Indians between 1833 and 1835? A. I don't know.
- Q. Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government for the Choctaws in Mississippi know that they wanted to stay in Mississippi, take lands there, and become citizens of the States? A. Not that I know of.
- Q. Did any of them ever receive any land from the Government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A. No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent in the State of Mississippi to go register the names of such Choctaws as might desire to remain in Mississippi and take lands and become citizens of the States. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to remain in Mississippi and become citizens of the States and take lands; and on this account the Government, at its public lands sales in Mississippi, in many instances, sold lands upon which Choctaws lived and had

improvements and which they supposed they would receive under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been taken from them and sold by the Government. These commissioners were duly appointed by the president of the United States, and they went down to Mississippi and heard a great many of these Choctaw cases.

Q. Did any of your Choctaw ancestors appear before any of these commissioners and attempt to establish rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A. No, sir.

Q. Are you sure of that? A. Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land in the place of that so sold from him by the Government in Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip.

Q. Did any of your ancestors ever get any of that scrip under this act of Congress? A. Not that I know of.

Q. So far as you know, then, none of your ancestors ever received any benefits from the Government as Choctaw Indians? A. No, sir.

Q. Do you know whether any of your ancestors were ever recognized in any way as Choctaw Indians in Mississippi? A. No, sir.

Q. Do you know of any old person now living who would likely know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A. I don't know. I don't believe I do.

Q. Do you know of any written evidence which would tend to prove such a state of facts? A. No, sir.

Q. Have you any written evidence of any description with you at this time to offer in support of your application? A. No, sir.

Q. Have you any witness here to-day whom you would like to testify in your behalf? A. No, sir.

If you should find any witnesses whose testimony you would like taken by the Commission, they may appear before us here in Muskogee within ten days from this date and their testimony will be taken. Or, if you should see fit to offer written evidence in support of your application, if you present it within ten days from this date, it will receive the consideration of the Commission.

Q. Are there any further statements that you want to make at this time? A. No, sir.

Q. Do you desire the evidence in your father's case to be taken and considered in your case by the Commission when it determines your rights as a Choctaw? A. Yes, sir.

In some one of these cases it will be necessary that the marriage of William Vick, your father's father and mother, be proven. It is not necessary to introduce it in more than one case, but it should be filed with the Commission within ten days from this date. You can determine among yourselves shall furnish it.

Reference is made to the case of Luther F. Vick, M S N 5879, for the purpose of consolidation.

Q. Do you speak or understand the Choctaw language? A. No, sir.

This applicant has the appearance of being a white man. He shows no indication of being possessed of Indian blood; his hair is somewhat black, has rather dark complexion, and grey eyes. He does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on the 5th day of July, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in case to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this July 11th, 1902.

L. L. V. Emerson
Notary Public.

COPY.

M.C.R. 6005.

Muskogee, Indian Territory, February 18, 1903.

Newton Vick,

Lynch, Texas.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

N. V. # 2.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel E. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert L. Lilley, Lawrence A. Vick, Mamie Vick, Luther P. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Mays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Herritt B. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw Lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

N. V. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamr Dixby.

Acting Chairman.

Registered.

M C R 6005

COPY.

Muskogee, Indian Territory, April 7, 1904.

Newton Vick,

Lynch, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

(SIGNED)

T. D. Morgan
Commissioner in Charge.

"

No. 6005

For Identification as a Mississippi Choctaw.

JUL 5 1902

Name ^{Date} Newton Vick

Age 26 Blood 1/16

Post-Office, Lynch Tex.

Father: Luther F Vick L

Mother: Sophronia A

Claims through father.

For self only.

Children:

S. A. Apple

Choctaw MCR 6006

Judge D. Vick

See MCR # 5993

MCR 6006

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 7th, 1902.

40000.

In the matter of the application of Judge D. Vick for the identification of himself and his three minor children, James T., Harriett M., and John W. D. Vick, as Chickasaw Indians.

No attorney.

Judge D. Vick, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Judge D. Vick.
Q How old are you? A I was born in 1808. I have got an old record here---
Q How much Chickasaw blood have you? A I guess about an eighth.
Q What is your post office address? A Lynch.
Q Lynch, Texas? A Yes sir.
Q What county? A Hopkins County.
Q How long have you lived in Hopkins county, Texas? A Oh I have lived there something like twenty years in all.
Q Where did you live before you went there? A Went from the Chickasaw Nation there.
Q How long did you live in the Chickasaw Nation? A I stayed up there about two years.
Q Where did you live before that? A Wise county, Texas.
Q Where did you live before that? A I lived in Collin County, Texas? A Yes sir.
Q How long did you live there? A Well, I don't remember now.
Q Have you lived in Texas all your life? A Yes sir, all but what time I was up in the Territory; born in Fannin County, Texas.
Q Is your father living? A No sir.
Q What is his name? A H. C. Vick.
Q H. C.; what is that H. for? A Edward.
Q Edward C. Vick? A Yes sir.
Q Mother living? A Yes sir.
Q What is her name? A S. H.
Q What is the S. for? A Sallie.
Q Through which one of your parents do you derive your Chickasaw blood? A Father.
Q How long has your father been dead? A He's been dead---I don't remember how long.

#2.

- Q About how long? A It's been something like twenty-five years.
Q How old a man was he when he died? A I don't remember; he was born in '25; I have got his name on the old family records; upon examination of the old family records I find that he was born on the twelfth day of February, 1825.
Q Do you know where Edward C. Vick was born? A Born in Kentucky was my understanding.
Q You never heard of his having lived in Mississippi did you?
A No sir.
Q Through which one of his parents did he get his Choctaw blood?
A Through his father I think.
Q What was his name? A I don't know.
Q You don't know what his name was you say? A No sir.
Q Did your father ever have a brother William Vick to your knowledge? A Yes sir.
Q Sure he did are you? A That's what I have been taught that he had a brother William Vick.
Q Are you acquainted with Luther P. Vick? A I am acquainted with Frank; I don't know anything about Luther.
Q Well you know who I mean don't you? A Yes sir.
Q Are you acquainted with this Luther Vick? A Yes sir.
Q Is he any relation to you? A Yes sir, my cousin.
Q What was his father's name? A William Vick.
Q Are you acquainted with Mary Reynolds? A No sir.
Q Don't know her? No answer.
Q Do you know Mary Parker? A Yes sir.
Q She married a Ray holds after her first husband died didn't she?
A I don't know.
Q Is she any relation to you? A Yes sir.
Q What relation? A Cousin.
Q Do you know what her father's name was? A William Vick.
Q How do you know where your father's father was born--Edward C. Vick's father? A No sir, I don't.
Q Don't know anything about where he lived? A No sir.
Q Do you know whether your father and mother were lawfully married, Mr. Vick? A No sir.
Q Do you know how long they lived together as husband and wife?
A No sir.
Q How many children were born to them? A I think there was nine; I want be sure.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father and mother. This evidence should be furnished within a period of ten days from to-day if possible.

- Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Nellie.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her then; is that right? you don't make any claim for her? A No sir.
Q How many children have you? A Three.
Q What are their names and ages? A James T.
Q About how old is he? A He was borned in '90 I think it was.

75.

- Q Twelve years old do you think, about? A Yes sir.
 Q Next one? A Other one is nine in October.
 Q What is the name? A Merritt M.
 Q Next one? A John W. D.
 Q How old is he? A He's five years old in September.
 Q All three of these are boys are they? A Yes sir.
 Q All living with you at this time? A Yes sir.
 Q Are they all the children of yourself and Nellie Vick?
 A Yes sir.
 Q This application then is for yourself and three minor children,
 is that right? A Yes sir.
 Q Were you married to Nellie under a license? A Yes sir.
 Q Where? A Hopkins county.
 Q When? A '77.
 Q Have you that license with you? A Yes sir.

Certified copy of the marriage license and certificate
 of J. D. Vick and Mary L. Plunkett offered in evidence, iden-
 tified as Exhibit "A", filed and made a part of the record in
 this case.

- Q Are you the J. D. Vick referred to in this license and certifi-
 cate? A Yes sir.
 Q Is Mary L. Plunkett referred to in this license and certificate
 your wife? A Yes sir.
 Q The mother of these children? A Yes sir.
 Q Have you been married more than once? A No sir.
 Q Has your wife? A No sir.
 Q Was your father ever recognized in any manner or enrolled as a
 member of the Choctaw tribe of Indians in Indian Territory?
 A No sir.
 Q Is your name or the name of either one of these children to be
 found on any of the Choctaw tribal rolls in Indian Territory?
 A No sir.
 Q Did you ever make application to the Choctaw tribal authorities
 in Indian Territory, for yourself or any one of these children,
 to be admitted or enrolled as members of that tribe? A No sir.
 Q Have not? A No sir.
 Q Did you or any one for you in the year 1896 make application to
 the Commission to the Five Civilized Tribes for citizenship in
 the Choctaw Nation for yourself or any one of these children?
 A No sir.
 Q Then neither you nor either one of these children have ever been
 admitted to citizenship in the Choctaw Nation by the tribal au-
 thorities, this Commission or the United States Court for the
 Indian Territory have you? A No sir.
 Q Have you ever made any application of any description before to-
 day for you or either one of these children, for the purpose of
 establishing your rights as Choctaw Indians? A No sir.
 Q You appear before the Commission at this time for the purpose
 of claiming rights in the Choctaw lands in Indian Territory, for
 yourself and three minor children, under article fourteen of the
 treaty of Dancing Rabbit Creek do you? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in
 Mississippi on the 27th day of September, 1830, between the

4.

government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country they occupied in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave to the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi might receive land there in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You think you understand that fourteenth article Mr. Vick?
- A I guess so.
- Q Did any of your ancestors own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made; that was seventy-two years ago?
- A I don't know.
- Q Did any of them live there at that time to your knowledge?
- A I have understood that they did.
- Q At that time your father was seven years old then? A No, no, that's - - -
- Q Couldn't very well have lived there could he? A No sir.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, become citizens of the states and take land?
- A I don't know.
- Q Did any of them remove to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.

#6.

- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q So far as you know then none of your people ever received any benefits under this fourteenth article did they? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let the Agent know that they wanted to stay in Mississippi, become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845, and heard a great many of these cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A We have got a letter here to that effect that they did.
- Q Have you that letter with you? A Frank has got the letter.
- Q Who is Frank? A Frank Vick.
- Q Well what is that letter; what does it say? A It just gives the name of the enrollment---the Vicks there.
- Q Who wrote it? A It shows that the Vicks is on the roll.
- Q We would like to see that letter if you could get it; well you can get the letter and we will look at it later if you can find Mr. Vick. Now these Commissioners were appointed as I told you, in 1837 and 1838 and 1842; now do you know whether any of your people appeared before any of these Commissioners down there in Mississippi at that time or not? A No sir.
- Q That letter doesn't say anything about their appearing before those Commissioners does it? A No sir.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government,

land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? To your knowledge? A No sir, not that I know of.
- Q If then any of your Choctaw ancestors ever received any benefits as Choctaw Indians you never heard it? A No sir.
- Q And you don't know that any of them were recognized members of the Choctaw tribe in 1830 do you? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of that fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
- A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts; any papers, deeds, patents or anything of that kind, that would prove that your people complied with the provisions of that treaty?
- A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here to-day to testify in your behalf?
- A I want to use the same evidence Frank and these others uses.
- Q You desire to have your case consolidated with the cases of all other claimants who are descendants of the same common Choctaw ancestor as you? A Yes sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within ten days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence such proper written evidence as you may offer within ten days from to-day will receive the consideration of the Commission.

- Q Anything further you want to say? A I believe not.
- Q You don't speak or understand the Choctaw language? A No sir.
- Q Have you any brothers living? A No sir.
- Q Any sisters? A No sir.
- Q Did you ever have any brothers? A Yes sir.
- Q How many? A Four.
- Q Did any of them leave children? A There was one of them had one child but I lost trace of it.
- Q What is the name of that child? A I have forgot.
- Q What was the name of its father? A Thad.
- Q Thad Vick? A Yes sir.
- Q How did any of your sisters leave children? A No sir.
- Q Did your father ever have any other brother besides William Vick? A Yes sir, he had three or four more.
- Q What are their names? A Henry and Bass and Len and Steve.
- Q Any others? A I think not.

77.
The said Albert has the appearance of being a white man; shows no indications of being possessed of Indian blood; he has dark hair, light brown eyes, light mustache, rather dark complexion; doesn't speak or understand the Cheetaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Special reference is hereby made to H & R 3379, Luther F. Visk et al., the applicants in said case and the applicants in this case being the descendants of a common Cheetaw ancestor.

Albert S. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 9th day of July, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

Albert S. McMillan

Sworn to and subscribed before me this 21st day of July, 1902.

Gay L. V. Emerson
Notary Public.

COPY.

Muskogee, Indian Territory, February 18, 1903.

Judge D. Vick,

Lynch, Texas.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Hora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6006
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloee Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. D. V. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with said arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

EDWARD

James Dixby.

Acting Chairman.

Registered.

M O R 6006

Muskogee, Indian Territory, April 7, 1904.

Judge D. Vick,

Lynch, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

(SIGNED)

T. D. McCallum

Commissioner in Charge.

No. 6006

For Identification as a Mississippi Choctaw.

Date JUL 7 1902

Name Judge D. Vick

Age 42 Blood $\frac{1}{8}$

Post-Office, Lynch, Texas

Father: Edward T. Vick d

Mother: Sallie E. L

Claims through father
Wife Mollie Vick L
no claim for her.

For self and 3 children

Children:

James I. Vick 12

Merritt E. " 8

John W. D. " 4

Stenographer

A. M. Millan

Choctaw MCR 6007

Turner Vick

See MCR 5993

MCR 6007

Department of the Interior.
Commission to the Five Civilized Tribes.
Washington, D. C., July 7th, 1902.

40007

In the matter of the application of Turner Vick for the identification of himself and his three minor children, Jessie A., Josh, and Gertrude Vick, as Mississippi Choctaws.

No attorney.

Turner Vick, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Turner Vick.
Q How old are you Mr. Vick? A I was born September 8th, 1880.
Q How much Choctaw blood have you? A Well it's supposed to be one-eighth.
Q What is your post office address? A Lynch, Texas.
Q How long have you lived in Texas? A Lived there ever since I was five years old, only what time I spent traveling about; I lived some in Arkansas and worked some in the Choctaw Nation three or four times for about two months at a time.
Q Where were you born? A Madisonburg county, Kentucky.
Q Is your father living? A No sir.
Q What was his name? A Name was Henry Moore; H. M. was his initials.
Q Is your mother living? A No sir.
Q What was her name? A Her name was Malda Ann Young before she was married.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q How old would he be if he were living now? A Why he died--- I can't tell you exactly; I think he was born somewhere in 1813 or 1815; I aimed to bring the family record but forgot it. He was seventy-seven years old when he died and he died this coming October is five years ago; he was born March the 16th; I remember that.
Q Where was he born? A I think in Hopkins county, Kentucky.
Q Lived there in Kentucky all his life? A Yes sir, Kentucky, and I think he made that his home until he moved when I was going on five years old; it was in '88, the first day of January; we came to Texas the first day of January in '88.
Q He never lived in Mississippi? A No sir, not that I know of.
Q Through which one of his parents did he get his Choctaw blood?
A Through his Vick parents.

42.

- Q What was his name? A His name was Steven Vick; that was my grandfather.
- Q Do you know the year in which he was born? A No sir.
- Q Did you ever see him? A No sir; if I did I was too small; I can remember my grandmother when I was four years old.
- Q Do you know where Steven lived during his life-time? -
- A My father taught me he came from Mississippi.
- Q Do you know what part? A Not far from Vicksburg.
- Q Your father was never recognized in any manner or enrolled as a member of the Cheatar tribe of Indians in Indian territory, was he? A Not that I know of.
- Q Were your father and mother lawfully married? A Yes sir.
- Q Have you any evidence of that fact with you? A No sir; all the evidence I have they lived together for a long period of years; we have family records that shows when they was married and by whom they was married.
- Q How many children were born to them? A Seven; four boys and three girls.
- Q Well did they live together until your mother's death? A Yes sir.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father and mother. This evidence should be furnished within a period of ten days from to-day if possible.

By the applicant:

Now I want to say I couldn't furnish testimony in that time for I have to go back to Kentucky for it, and it will require twenty-five or thirty days.

By the Commission:

Well if You cant get it here in ten days just send it as soon as you can. It may be that your case wont be decided.

- Q You are married are you Mr. Vick? A Yes sir.
- Q Is your wife living? A No sir, she's dead.
- Q What was her name? A Martha Jane Brown was her maiden name.
- Q Did she have any Cheatar blood? A No sir.
- Q Were you married more than once? A No sir.
- Q Was she? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Two boys and seven girls; nine children.
- Q Are any of them of age? A Yes sir.
- Q How many are of age? A Letitia, Willie, Henry, Nora, Clarissa and Cora; they are all married except Clarissa; she's twenty-one years old.
- Q How many have you at home with you now under age? A I have three, yes sir.
- Q What are their names? A Jessie A., girl.
- Q How old? A She's sixteen years old.
- Q Next one? A Josh, boy.
- Q How old is Josh? A He's thirteen years old.

#3.

- Q Next? A Gertrude, girl.
- Q How old? A Eleven.
- Q These three children are living with you at this time are they?
- A Yes sir.
- Q They are the children of yourself and Martha Jane Vick are they?
- A Yes sir.
- Q Now give us the married names of your children who are married--your daughters who are married? A First is Annie Lattitia Irons.
- Q Next one? A Willie Frances Prector is her full name.
- Q Next one? A Next one is Dora Ella Prector.
- Q Next one? A Gera Lee Petty.
- Q Next one? A The next one is a boy--George Henry Vick.
- Q Next one? A There's no more married ones.
- Q Clarissa is single? A Rest of them is single; Clarissa is twenty-one years old and single.
- Q These married children are also the children of yourself and Martha Jane Vick? A Yes sir.
- Q Were you married to Martha Jane Vick under a license? A No sir, married in the state of Arkansas. Should I state when?
- Q Yes? A Married in the state of Arkansas the third day of September, 1891, in Millcreek township, by Reverend Henry Carr, Baptist minister. I wrote to the County Clerk for the marriage certificate and he wrote back to me that it would cost sixty cents. I have sent that but I haven't heard from it yet. I can get proof however that we was married, by having time to get that.
- Q Well, we give you a period of ten days from this time in which to offer proper evidence of the marriage of yourself and Martha Jane Vick; of course your marriage certificate would be the best evidence. This application is for yourself and three minor children; is that correct? A Yes sir.
- Q Is your name or the name of any one of these children to be found on any of the tribal rolls of the Chectaw Nation in Indian Territory? A We never did enroll.
- Q Did you not make application to the Chectaw tribal authorities in Indian Territory, for yourself or any one of these children, to be admitted or enrolled as members of that tribe? A None until the present time.
- Q We are not the tribal authorities; we are the United States authorities. Well, I never did make application.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Chectaw Nation under the act of Congress approved June 10, 1896? A 1896? No sir.
- Q Then neither you nor your children for whom you make application have ever been admitted to citizenship in the Chectaw Nation by the Chectaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory, have you? A No sir.
- Q Have you ever made any application of any description before today for yourself or these children, for the purpose of establishing your rights as Chectaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Chectaw lands in Indian Territory, for yourself and three minor children, under article fourteen of the treaty of Dancing Rabbit Creek, do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and move out west, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out to the new Nation might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intentions to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article Mr. Vick? A Why, I believe I do Judge.
- Q Did any of your ancestors live in the old Nation in Mississippi and Alabama in the year 1830 when this treaty was made?
- A That's what I have been taught by my father.
- Q Well now your father was born in about 1815 you think?
- A Yes sir.
- Q Well now he must have been fifteen years old when this treaty was made, according to that? A Yes sir.
- Q Well he never lived in Mississippi that you ever heard of?
- A Not that I know of.
- Q Well he lived with his father until he was grown did he?
- A Why I suppose he did. I can't answer that question.
- Q Well now you don't think it probable that your father or his father either were living in Mississippi in 1830 do you?
- A Don't know that they was. His grandfather lived in Mississippi

- at that time; that's what he has always taught me.
- Q Was your father's grandfather living at the time of the birth of your father? A I don't know; I can't answer that question.
- Q Then you don't know whether he was living in 1830 or not?
- A I can't answer that question.
- Q What was your father's grandfather's name? A I can't answer that question. He told me but I have forgotten it.
- Q Do you know whether any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land? A Well sir, I have been told that they did. We propose to introduce testimony if we have time to that effect before the Commission.
- Q How did you get your information on that point? A We got it by a man writing to us.
- Q Who was he? A He said he would furnish testimony to connect us.
- Q Who is he Mr. Vick? A His name is Gardner.
- Q Where does he live? A I couldn't tell you.
- Q How did you happen to get in communication with him? A My cousin met him.
- Q Where? A Somewhere in the Territory.
- Q Do you know what this man's occupation is? A No sir.
- Q What did he tell you? A He told us in making our application that we could furnish testimony--written testimony; to make it on that ground and furnish written evidence to identify us with the Choctaw tribe.
- Q Did you make any agreement with him to pay him? A If he furnishes testimony.
- Q What were the terms of that agreement? A He agreed to furnish it for one hundred dollars.
- Q Did he tell you how he expected to get that testimony?
- A He said it was a matter of record.
- Q You never heard of this man before your cousin met him? A No sir.
- Q Which one of your cousins do you refer to? A Luther P. Vick. I will tell you of the thing that caused me to have some faith; my grandfather's father died in Mississippi in 1819; it is a matter of history because I wrote to exgovernor Levery and he informed me to that effect; and I found a man by the name of Simmons that was born in Mississippi; well I went to say he was born there but he was there in an early day, and he told me that his recollection served him that the Vicks and Leflores were related; that one of the Vicks in an early day married one of the Leflores. This man Gardner states that he can connect us with the Leflores; that's how it comes; of course if we don't make proof it will be our fault.
- Q Now Mr. Vick do you know whether any of your people did in fact let this Agent for the government there in Mississippi in 1831 know that they wanted to stay there and take advantage of the provisions of the fourteenth article? A Don't know only just what was wrote to us.
- Q What Gardner wrote to you? A Wrote to my cousin.
- Q Did he say he could prove that? A Yes sir.
- Q What one of your ancestors did he say he could prove did he let

#6.

- the Agent of the government know that he wanted to stay in Mississippi and become a citizen of the states and take land?
- A Silas Vick, a relative of ours in Mississippi.
- Q What relation? A He didn't say what relation.
- Q To you? A No sir.
- Q Did you ever hear of Silas Vick before this man mentioned him?
- A Not that I recollect it.
- Q You don't know as a matter of fact that he is any relation to you? A No sir, I don't know that he is. I have written back there for a statement but don't know whether I will get it or not.
- Q Do you know whether any of your people ever claimed or received any land there in Mississippi under this fourteenth article?
- A I don't know whether they did or not. I just have this letter from Exgovernor Lowry that my great-grandfather owned land there when he died in 1819.
- Q You don't know whether any of your people in fact complied with the provisions of this fourteenth article do you? A Not personally I don't. I have been told so.
- Q The only source of information on that point is this man Gardner? A Yes sir.
- Q You don't know what authority he has for making that statement?
- A He said he had it from the United States government record.
- Q Do you know what record he referred to? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Only from what that man states is all.
- Q Did he make that statement to you? A Yes sir.

#7.

- Q What one of your ancestors did he say appeared before these Commissioners? A He said----well, I don't remember---don't remember---he said that this Silas was one of them; told several names.
- Q Did Silas Vick have a Choctaw name? A I don't know sir whether he did or not.
- Q You know nothing whatever about this man? A Not personally.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been taken by the government and sold, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and that a certificate should be given him to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of personally.
- Q Do you know whether any of your people ever received any benefits whatever under this fourteenth article? A Not that I know of personally. I have no personal knowledge of it.
- Q Do you know whether any of your people were recognized members of the tribe in 1830, do you? A Not personally.
- Q All you know is what this man Gardner has told you about it?
- A That and what others have stated that seemed to know something about the history. I am just speaking now of what I know myself.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever did comply or attempt to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A This man Gardner proposes to furnish it.
- Q You don't know of your own knowledge of any such evidence?
- A He told me to make application for time in which to establish that fact and he would furnish testimony.
- Q Is he a lawyer? A I don't know sir.
- Q You have no written evidence to offer at this time? A No sir.
- Q Or any witnesses? A No sir.

You will be allowed a period of ten days in which to submit proper written evidence in this case, or in which to introduce witnesses to testify in your behalf.

By the applicant:

I would like to have as much time as you could grant me. I have a son and daughter that's not here, but they want to come and enroll.

By the Commission:

They can come as soon as they desire; they should

come at the earliest date possible.

- Q Are there any further statements you want to make? A No sir.
Q You don't speak or understand the Choctaw language? A No sir.
Q Have you any brothers living? A Brothers living? No sir.
Q Sisters? A Got two sisters living.
Q What are their names? A One her given name is Margaret A. M.
Morris.
Q Next one? A Susan Kelly.
Q Have they been before the Commission? A No sir, one of them
is here to-day.
Q Which one? A Susan.
Q Have you any brothers dead who left children? A Yes sir.
Q How many? A I have one.
Q What was your brother's name? A Name was Young E. Vick.
Q How many of his children are living? A I don't know whether
any of them is living or not; lost trace of them.
Q Do you know their names? A Yes sir, I can give their names.
Q Give them to us? A One of them is named---the eldest one is
named Nettie.
Q Next one? A Fannie.
Q Next one? A Frank, boy.
Q That all? A Jim, Robert, and Maud.
Q Next? A Stella, that's all.
Q Have any of them been before the Commission? A Not that I
know of sir.
Q How have you any sisters dead who left children? A Yes sir.
Q How many? A One.
Q What was her name? A Hulda Ann Manning.
Q How many of her children are living now? A She had three.
Q What are their names? A Col, he's a boy.
Q Next one? A Mary.
Q Next one? A Dora.
Q Have they been before the Commission? A No sir.

Special reference is hereby made to H C R 5879, Luther
F. Vick, the applicants in this case and the applicants in
that case being the descendants of the same common Choctaw
ancestor.

The records in the possession of the Commission con-
taining the names of persons who complied or attempted to com-
ply with the provisions of that fourteenth article of the
treaty of Dancing Rabbit Creek, or received any benefits
thereunder, have been carefully examined, and the names of
none of the ancestors of this applicant are found thereon.

This applicant has the appearance of being a white
man; shows no indications of being possessed of Indian blood;
his hair is rather inclined to be dark; has brown eyes; dark
complexion; he doesn't speak or understand the Choctaw lan-
guage and has no knowledge of the compliance on the part of
any of his ancestors with the provisions of the fourteenth
article of the treaty of Dancing Rabbit Creek.

40.

Albert G. McKillen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McKillen

Subscribed and sworn to before me this 24th day of July, 1902.

Guy L. V. Emerson
Notary Public.

M S R 6007

Muskogee, Indian Territory, August 6, 1903.

Turner Vick,

Lynch, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ult., enclosing certified copy of marriage record between Turner Vick and Mary Jane Brown.

You also explain the discrepancy in the name of your wife as given by you at the time you made your application and her name as shown in the certified copy of the marriage record.

A copy of your letter explaining this discrepancy, and the certified copy of record, have been filed with the record in your case.

Yours truly,

Acting Chairman.

W C R 6207
W C R 6270

Washago, Indian Territory, September 12, 1902.

Luther T. Vick,
Lynch, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, with which were enclosed two affidavits of Mrs. R. C. Billingham to be filed in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and two affidavits of the same party to be filed in support of the application of Turner Vick for the identification of himself and his minor children as Mississippi Choctaws. The documents have been filed with the records in these cases.

Yours truly,

Acting Chairman.

Miss. Choctaw 6007

Muskogee, Indian Territory, November 20, 1902.

Turner Vick,

Miller Grove, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 15, advising of the change in your address, and asking if you should come to the Indian Territory to establish your residence before the Commission as passed on your applications for identification as Mississippi Choctaws.

In reply to your letter you are advised that the act of Congress approved July 1, 1902, and ratified by the Choctaw and Chickasaw Nations, September 25, 1902, provides as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, and at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation would accrue to applicants until they have been identified by this

T V 2

Commission as Mississippi Choctaws entitled to allotment. Your status and that of the other applicants included in the consolidated Mississippi Choctaw case of Mary S. Reynolds, of which your case and that of Luther F. Vick have been made a part is that of applicants for identification as Mississippi Choctaws whose rights as such Mississippi Choctaws have not yet been determined. It is not believed that you are at this time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

The Commission is now considering your rights to identification as Mississippi Choctaws, and it is probable that within the near future a decision will be reached, at which time you will be notified of the action of the Commission.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 6007.

Muskogee, Indian Territory, February 18, 1903.

Turner Vick,

Millergrrove, Texas.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Haudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Fehley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Parris, Dumas O. Parris, Martha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordona May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloee Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Reley Jim Morris, Stephen Monroe Morris and Florence E. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

T. V. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CORRECTION

Tame Bixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, February 28, 1903.

Turner Vick,

Miller Grove, Indian Territory.

Remailed Texas. March 17, 1903

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. Therein you ask for an extension of thirty days' time within which to submit additional proof in support of your claim.

In reply to your letter you are informed that the fifteen days from February 18, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, will expire March 5, 1903. On March 6, 1903, the record in your case, together with such arguments as may be offered by you, will be forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases in which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

H C R 6007

Muskogee, Indian Territory, March 25, 1903.

Turner Vick,

Killergrove, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask that the record in your case be preserved and, if not against the law, that you be furnished a copy of the same.

As previously advised, the record in your case was, on March 6, 1903, forwarded the Secretary of the Interior. You should correspond with him in reference to obtaining a copy of said record.

Respectfully,

Chairman.

M.O.R. 6007.

Muskogee, Indian Territory, April 13, 1903.

Turner Vick,

Miller Grove, Texas.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 1, 1903, addressed to the Secretary of the Interior, and by him referred to this Commission for consideration and appropriate action; in which you ask for a copy of the record in the consolidated case of Mary S. Reynolds, et al.

In reply, you are advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., refusing the right of the several applicants therein to identification as Mississippi Choctaws, of which decision you were duly notified by registered mail on the same day, and that you would be allowed fifteen days from the date of such decision within which to file arguments in support of your application to be transmitted to the Secretary of the Interior.

The fifteen days from February 18, 1903, heretofore granted you in this case expired March 5, 1903, March 6, 1903, the record therein, together with the decision of the Commission,

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was forwarded to the Secretary of the Interior. You will be duly notified of any action taken by him in the matter.

Respectfully,

Chairman.

M C R 6007

COPY

Muskogee, Indian Territory, April 7, 1904.

Turner Vick,

Millergrove, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M C B 6007

Muskogee, Indian Territory, July 29, 1904.

Turner Vick,

Cumby, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that you made a contract with one J. A. Hurley, an attorney, paying him twenty-five dollars in advance, to secure a rehearing in your case; it being understood that Hurley was to return the money if he did not succeed in getting your case reopened. You further state that Hurley did not secure the rehearing, that he will not return your money, and you ask if the Commission cannot assist you in this matter.

In reply to your letter you are advised that the making of contracts between Mississippi Choctaw claimants and their attorneys is a matter over which this Commission has no jurisdiction. Therefore we cannot attempt to render you assistance in securing the return of money paid to an attorney under contract.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 19, 1908.

Turner Vick,

Cumby, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, relative to your application for identification as a Mississippi Choctaw which was refused by the Commission to the Five Civilized Tribes in a decision dated February 18, 1903, and which decision was approved by the Secretary of the Interior March 24, 1904. You ask if there is any court or committee before whom you could secure a rehearing.

In reply you are informed that the only way by which you could secure a rehearing in your case would be through the Secretary of the Interior. In this connection you are advised that the Department only grants motions for rehearings in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the

provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where the witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Commissioner.

M C R 6007

Muskogee, Indian Territory, September 9, 1905.

Turner Vick,

Cumby, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, requesting to be advised how to proceed to secure your rights as a Mississippi Choctaw.

In a letter from this office addressed to you at Cumby, Texas, under date of July 19, 1905, you were given full information as to how to obtain a rehearing in your case, and we are now unable to give you any further information than that contained in said letter.

The man Poote mentioned in your letter is evidently an impostor and has been extorting money from you and your relatives through false representations.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, December 7, 1905.

Turner Vick,

Cumby, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 29, 1905, in which you request to be advised as to whether or not it would be safe for you to employ the services of one A. D. Goodenough, of Sulphur, Indian Territory, to assist you in securing your rights as a Mississippi Choctaw.

In reply you are advised that the matter of the employment of counsel by applicants for citizenship before this office is left entirely to the discretion of those seeking to establish their claims. However, you are informed that said A. D. Goodenough is not the brother-in-law of the Commissioner to the Five Civilized Tribes, neither does it appear that he has ever been admitted to practice as an agent or attorney before the Commissioner or to in any manner represent applicants before this office.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, January 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Under date of December 11, 1905, the Department referred to me, by stamp, for report and recommendation, a letter of Turner Vick, dated December 4, 1905, addressed to the Secretary of the Interior, relative to his application for identification as a Mississippi Choctaw.

Mr. Vick in his letter requests to be informed if Mr. Shenolt of Sulphur, Indian Territory, is a brother-in-law of the Secretary of the Interior, as he, Vick, is being solicited to employ one A. D. Goodenough to take up his claim, the latter of whom is represented to him to be the partner of Shenolt.

With the return of Mr. Vick's letter I have the honor to report that Turner Vick was refused identification as a Mississippi Choctaw by a decision of the Commission to the Five Civilized Tribes of February 18, 1903, which was affirmed by the Secretary of the Interior March 24, 1904. It does not appear that any motion for rehearing or review has been filed in the case.

I have further to report that this office has no personal knowledge either of Mr. Shenolt or A. D. Goodenough as neither of them have been admitted to practice as agents or attorneys before

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the Commission or Commissioner to the Five Civilized Tribes. It is possible that these persons are representing to Mr. Vick that they are in a position to secure favorable reconsideration of his application for identification as a Mississippi Choctaw, but I know of no manner in which he can be protected against such persons except by his refusal to employ them.

The post office address given by Mr. Vick of Shenolt and Goodenough, Sulphur, Indian Territory, is located in the Southern District of the Indian Territory, and if these persons have been securing money from Vick under false pretenses, it is respectfully recommended that the matter be called to the attention of the Department of Justice with the request that the same be referred to the United States District Attorney for the Southern District of the Indian Territory, for appropriate action.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

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No.

6607

For Identification as a Mississippi Choctaw.

JUL 7 1902

Date

Name

Turner Vick

Age

51

Blood

1/8

Post-Office,

Lynch, Texas.

Father:

Henry M. Vick

d

Mother:

Milda A

"

d

Claims through

father.

wife

Martha J. Vick

d

No Choctaw blood.

For self and 3 children

Children:

Jessie A. Vick (F)
Josh
Gertrude

16

13

11

Enrollment

W. G. McMillan

Choctaw MCR 6008

Susan Kehlley

See MCR 5993

MCR 6008

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 7th, 1902.

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In the matter of the application of Susan Kehlley for the identification of herself as a Mississippi Choctaw.

No attorney.

Susan Kehlley, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Susan Kehlley.
Q How old are you? A I am forty-four years old.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is your post office address? A Lynch, Texas.
Q How long have you lived in the state of Texas? A Lived there about all my life.
Q Where were you born? A Texas.
Q Is your father living? A No sir.
Q What was his name? A Henry M. Vick.
Q Is your mother living? A No sir.
Q What was her name? A Malda A. Vick.
Q Through which one of your parents do you get your Choctaw blood?
A My father.
Q How old would your father be if he were living now? A Somewhere in eighty I think.
Q In what year was he born? A I cant tell you.
Q Are you a full sister of Turner Vick who appeared here this morning? A Yes sir.
Q Do you know where your father was born? A In Kentucky.
Q How long after his birth did he live in the state of Kentucky?
A I never heard him say.
Q Did you ever hear of his having lived in the state of Mississippi?
A No sir.
Q Through which one of his parents did he get his Choctaw blood?
A His father.
Q What was his father's name? A Steven Vick.
Q Do you know how old Steven Vick would be if he were living today?
A No sir.
Q Do you know where he was born? A In Mississippi.
Q Do you know in what county in Mississippi he was born? A No sir.
Q Do you know when he left the state of Mississippi for good?
A No sir.

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- Q Do you know whether your father and mother were lawfully married? A The record shows they was.
- Q You mean your family record? A Yes sir.
- Q How long did they live together as husband and wife? A Somewhere about fifty some odd years; I can't tell exactly.
- Q Until the death of your mother? A Yes sir.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father and mother, and ten days from this time will be allowed in which to offer such evidence. Now this evidence need only be furnished in your case or your brother's case. It isn't necessary to furnish it in more than one case. You can determine between yourselves who shall furnish the evidence.

- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
- A Not that I know of.
- Q Do you know the names of Steven Vick's parents? A No sir.
- Q You don't know the names of any of your Choctaw ancestors further back than your grandfather Steven Vick do you?
- A No sir, I don't remember.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A John Kehlley.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q Have you any children? A No sir, none living.
- Q Did any of your children leave any children? A No sir.
- Q This application then is for yourself alone is it? A Yes sir.
- Q Is your name on any of the tribal rolls in Indian Territory?
- A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory, have you? A No sir.
- Q Have you ever made any application of any kind before to-day for the purpose of establishing your rights as a Choctaw Indian?
- A No sir.
- Q You appear before this Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of article fourteen of the treaty of Dancing Rabbit Creek do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Indians lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to se-

sure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out west to the new Nation might receive land back there in the old Nation from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quartersection to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand this fourteenth article? A I guess so.
- Q You think you do? A Yes sir.
- Q Did any of your ancestors live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A My grandfather's people lived in Mississippi is what Pa always said.
- Q How do you know whether any of them lived there in 1830 when this treaty was made? A Well, of course I can't recollect that far back; I suppose though they did at his age you know.
- Q Well now your father was, according to the testimony of your brother, about fifteen years old when this treaty was made, and he was born up there in Kentucky; so your grandfather couldn't have lived there in 1830? A Grandfather's people I said lived in Mississippi.
- Q His parents? A Yes sir.
- Q But you don't know whether they lived there in 1830 or not? A No sir, I wouldn't be positive.
- Q Do you know when your grandfather's father died? A No sir.
- Q Do you know whether any of your Choctaw ancestors owned an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.

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- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws knew that they wanted to stay in Mississippi and become citizens of the states and take land? A No sir.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.
- Q Do you know whether any of them ever claimed or received any land in the state of Mississippi from the government under this fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did you ever hear of any of your ancestors ever having gotten any land from the government under this treaty? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let the Agent know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of 1830 but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their claims under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrips.

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- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?
A No sir.
Q What is that now; did you say no sir or that you don't know?
A I said No sir, not that I know of.
Q You never heard then of any of your people ever having received any benefits as Choctaw Indians did you? A No sir.
Q And you don't know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 or not? A No sir.
Q Do you know of any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any evidence of any kind to offer at this time in support of your application? A No sir, I haven't.
Q Have you any witnesses here to-day to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskegee within ten days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of this application, such proper written evidence as may be offered within ten days from to-day will receive the consideration of the Commission.

- Q Do you desire to have your case consolidated with the cases of Luther F. Vick and your brother Turner Vick? A Yes sir.

Reference is hereby made to M C R 5879, Luther F. Vick et al., and M C R 6007, Turner Vick et al., the applicants in said cases and the applicants in this case being descendants of a common Choctaw ancestor.

- Q You don't speak or understand the Choctaw language? A No sir.
Q Are there any further statements you want to make at this time in support of your application; anything further you want to say? A No sir, I believe not.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; her hair is rather inclined to be dark; she has medium complexion; brown eyes; doesn't speak or understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit creek.

4.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 7th day of July, 1902.

Guy L. V. Emerson
Notary Public

M.C.R. 6008.

COPY.

Muskogee, Indian Territory, February 18, 1903.

Susan Kehlley,

Lynch, Texas.

Dear Madam:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5993
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Eora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

S. K. # 2.

These applications were made under the provision of the Act of Congress of June 28, 1908 (35 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James B. Wilson, Julia I. Phillips, Dora M. McFarley, Bertha B. McFarley, Samuel B. McFarley, Mary I. McFarley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha H. Taylor, Durand A. Taylor, Durer O. Taylor, William V. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chapp Proctor, Alma C. Proctor, Otha B. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Reley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

S. K. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in this case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.
Acting Chairman.

Registered.

M C R 6008

Muskogee, Indian Territory, April 7, 1904.

Susan Kehlley,
Lynch, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

"

No.

6008

For Identification as a Mississippi Choctaw.

Date JUL 7 1902

Name

Susan Kehlley

Age

44

Blood

1/8

Post-Office,

Lynch, Tex.

Father:

Henry M. Vick

d

Mother:

Aulda A.

"

d

Claims through

father

husband

John Kehlley

No claim for husband.

Children:

Self only.

Choctaw MCR 6009

Lutitia Irons

See MCR 5993

MCR 6009

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., July 2nd, 1902.

#0000

In the matter of the application of Lattitia Irons for the identification of herself and one minor child, Ethel Irons, as Mississippi Choctaws.

No Attorney.

Lattitia Irons, being first duly sworn, testified as follows:

Examination by the Commission (Q):

- Q What is your name? A Lattitia Irons.
Q How old are you? A I was born in '72.
Q What month? A September.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Oakley, Hopkins County, Texas.
Q How long have you lived in the state of Texas? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Turner Vick.
Q Father living? A No sir.
Q What was her name? A Martha Vick.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Is the Turner Vick who appeared before the Commission here this morning your father? A Yes sir.
Q Has he ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A No sir.

It will be necessary that proper evidence of the marriage of your father and mother be furnished in this case. Ten days from this day will be allowed in which to furnish such evidence. Your father has been requested to furnish such evidence and in case it is furnished for use in connection with the application he made to-day for your three minor sisters and brothers, it will be considered in your case.

- Q Through which one of his parents did your father get his Choctaw blood? A His father.
Q What was his father's name? A Henry.
Q Henry Vick? A Yes sir.

It will also be necessary that the Commission be furnished

proper evidence of the marriage of your father's father and mother, and ten days from to-day will be allowed in which to furnish that evidence. Your father and his sister Susan Kehley have been requested to furnish this evidence and in case it is furnished by either of them it will receive consideration in your case.

- Q Through which one of his parents did Henry Vick get his Choctaw blood? A His father I reckon.
- Q What was his father's name? A Steven I believe they called him; of course I don't know.
- Q You don't know anything about your ancestors further back than your father? A No sir, my grandfather; my father's father I have seen him many a time.
- Q Do you know where he was born? A In Kentucky.
- Q Do you know when? A No sir.
- Q You never heard of his having ever lived in Mississippi did you? A No sir.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir.
- Q What is his name? A Tyra Irens.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children living? A Yes sir, one.
- Q What is that child's name? A Ethel Irens.
- Q How old is she? A Nine years old.
- Q Child of yourself and Tyra Irens? A Yes sir.
- Q This application then is for yourself and one minor child? A Yes sir.
- Q Is your name or the name of this child to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for you or this child, to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or this child, under the act of Congress approved June 10, 1896? A No sir.
- Q Then neither of you have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made any application of any description before today for the purpose of establishing your rights or the rights of your child as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and one minor child, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these

Indians from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and not move out west might receive land in the old Nation from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article didn't you? A Yes sir, I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article to your knowledge? A No sir.
- Q Did any of them live in the old Choctaw nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I couldn't tell you.
- Q Did any of them own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land? A Not that I know of.
- Q Did any of them remove to the present Choctaw nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I knew of.
- Q Did any of them ever claim or receive any land from the government of the United States under this fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I knew of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under this article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A No sir.
 Q So far as you know then none of your ancestors ever received any benefits as Choctaw Indians? A No sir.
 Q And you don't know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 or not? A No sir, I do not.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
 Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

#6.

Q Have you any written evidence of any kind to offer at this time?

A No sir.

Q Any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear here before us at Muskogee within ten days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of your application, such written evidence as may be offered within ten days from to-day will receive the consideration of the Commission.

Q Are there any further statements you want to make at this time?

A No sir.

Q Do you desire your case consolidated with that of your father and your second cousin Luther F. Vick, do you? A Yes sir.

Special reference is hereby made to M C R 5879, Luther F. Vick et al., and M C R 6007, Turner Vick et al., the applicants in said cases and the applicants in this case being descendants of the same common Choctaw ancestor.

Q You don't speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; she has dark hair; rather dark complexion; brown eyes; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 21 day of July, 1902.

Guy L. Emerson
Notary Public.

COPY.

Muskogee, Indian Territory, February 18, 1903.

Lutitia Irons,

Cumby, Texas.

Dear Madam:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordona May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

L. I. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with your arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

Tamr Dixby.
Acting Chairman.

Registered.

M C H 6009

COPY.

Muskogee, Indian Territory, April 7, 1904.

Lutitia Irons,
Cumby, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary B. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

No. 6009

For Identification as a Mississippi Choctaw.

Date JUL 7 1902

Name Lulitia Irons

Age 29 Blood 1/16

Post-Office. Cumby Tex.

Father: Turner Vick L

Mother: Martha " L

Claims through father

Lyra Irons L
No claim for husband.

Children:

Ethel Irons 9

Self and one child.

Stenographer

A. G. McMillan

Choctaw MCR 6010

Willie Proctor

See MCR 5993

MCR 6010

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, N. T., July 7th, 1908.

#4016.

In the matter of the application of Willie Prester for the identification of herself and her minor child, Alvin Prester, as Missiniqui Cheetaw.

No Attorney.

Willie Prester, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Willie Prester.
Q How old are you? A Twenty-eight.
Q How much Cheetaw blood have you? A One-sixteenth.
Q What is your post office address? A Miller Grove.
Q Miller Grove, Texas? A Yes sir.
Q What county? A Hopkins.
Q How long have you lived in Texas? A Born and raised there.
Q Father living? A Yes sir.
Q What is his name? A Turner Vick.
Q Is your mother living? A No sir.
Q What was her name? A Martha Vick.
Q Through which one of your parents do you get your Cheetaw blood?
A Father.
Q Is the Turner Vick who appeared before the Commission here this morning your father? A Yes sir.
Q Through which one of his parents did he get his Cheetaw blood?
A Father.
Q What was his name? A Henry Vick.
Q Through which one of his parents did Henry Vick get his Cheetaw blood? A His father.
Q What was his name? A Steven Vick.
Q Through which one of his parents did Steven Vick get his Cheetaw blood? A That's as far as I know.

It will be necessary that the Commission be furnished with proper evidence of the marriage of Turner Vick and your mother, and of the marriage of the father and mother of Henry Vick, and of the marriage of the father and mother of Henry Vick, for use in connection with this application. Ten days from this time will be allowed in which to furnish such evidence. Now this evidence will be required in a great many cases of your relatives and it will only be necessary that it be furnished in one of these cases and you can determine among yourselves who is to furnish this evidence.

#2.

- Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A Not that I know of.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Thomas A. Prector.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q Have you any children? A Yes sir, I have one.
Q What is that child's name? A Alvin.
Q How old? A Two years old this month.
Q Child is living with you at this time is he? A Yes sir.
Q The child of yourself and Thomas A. Prector? A Yes sir.
Q This application then is for yourself and one child, is that all? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities, this Commission or the United States Court for the Indian Territory, have you? A No sir.
Q Have you ever made any application of any description before to-day for yourself or this child, for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and one minor child, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Indians lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain there and not move out west might receive land there in the old Nation from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within

six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
- A Not that I know of.
- Q Did any of them live in the old Choctaw Nation in the state of Mississippi or Alabama in the year 1830 when this treaty was made? A Not as I know of.
- Q Did any of them own an improvement there at that time?
- A No sir, not as I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land?
- A Not as I know of.
- Q Did any of them move to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A Not as I know of.
- Q Did any of them ever claim or receive any land in the state of Mississippi from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did you ever hear of any of them ever having received any land from the government under this fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved on August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been taken from him by the government and sold, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress?

#4.

- A No sir, not as I know of.
- Q So far as you know than none of your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir, I don't know.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir, I do not.
- Q Have you any written evidence of any kind to offer at this time? A No sir, I haven't.
- Q Any witnesses here? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at this place within ten days from to-day and their testimony will be taken. If you should see fit to offer any written evidence in support of this application such written evidence as may be offered within ten days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you want to make at this time? A No sir.
- Q What relation are you to Lutitia Irens who has just appeared before the Commission? A She's my sister.
- Q Full sister? A Yes sir.
- Q You don't speak or understand the Choctaw language do you? A No sir, I don't.

Special reference is hereby made to M C R 5579, Luther V. Vick et al., and M C R 6007, Turner Vick et al., the applicants in this case and the applicants in said cases being the descendants of a common Choctaw ancestor.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; has dark hair; rather dark complexion; blue eyes; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

76.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Hawaiian Islands he reported the proceedings had in the above entitled case on the 21st day of July, 1902, and that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case on said date.

Albert G. McMillan

Subscribed and sworn to before me this 21st day of July, 1902.

Guy L. V. Emery
Notary Public

COPY.

Muskogee, Indian Territory, February 18, 1903.

Willie Proctor,

Millergrove, Texas.

Dear Madam:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5996
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther E. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6013
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora R. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Mays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt M. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

W. P. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with your arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.
Acting Chairman.

Registered.

M C R 6010

COPY.

Muskogee, Indian Territory, April 7, 1904.

Willie Proctor,

Miller Grove, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date JUL 7 1902

Name Willie Proctor

Age 28 Blood 1/16

Post-Office, Millergrove, Tex.

Father: Turner Vick L

Mother: Martha " d

Claims through Father.
Husband Thomas A. Proctor L
No claim for husband

Children:

Alvin Proctor 2

Alf and one child.

Stenographer

A. G. McMillan

Choctaw MCR 6011

Cora Petty

See MCR 5993

MCR 6011

Department of the Interior.
Commission to the Five Civilized Tribes.
Washington, I. T., July 7th, 1902.

#4011.

-----200-----

In the matter of the application of Cera Petty for the identification of herself and one minor child, Murphy Petty, as Mississippi Choctaws.

No attorney.

Cera Petty, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Cera Petty.
Q How old are you? A Eighteen.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Dixon, Hunt County, Texas.
Q How long have you lived in Texas? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Turner Vick.
Q Is your mother living? A No sir.
Q What was her name? A Martha Vick.
Q Through which one of your parents did you get your Choctaw blood? A Father.
Q Is the Turner Vick who appeared before the Commission this morning your father? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood?
A His father.
Q What was his name? A Henry Vick.
Q Through which one of his parents did Henry Vick get his Choctaw blood? A His father.
Q What was his name? A Steven Vick.
Q Do you know the name of Steven Vick's father? A No sir.

It will be necessary in connection with this application that you furnish the Commission with proper evidence of the marriage of your father and mother and the father and mother of Turner Vick and the father and mother of Henry Vick. Ten days from this time will be allowed in which to furnish that evidence. Several of your sisters have appeared before the Commission and your father has made application for three minor brothers and sisters of yourself and he was requested to furnish this evidence of the marriage of his father and mother and if it is furnished in one of those cases it will be considered in all of them; so you can determine among yourselves who shall furnish this evidence.

#2.

- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir.
- Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What is his name? A Robert Petty.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q Have you any children? A Yes sir.
Q How many? A One.
Q What is the child's name? A Murphy Petty.
Q How old is he? A Seven months old.
Q This child is living now? A Yes sir.
Q Child of yourself and Robert Petty? A Yes sir.
Q This application then is for yourself and one minor child?
A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe, or did any one else ever make such an application in your behalf? A No sir.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 18, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities, this Commission or the United States Court for the Indian Territory, have you? A No sir.
- Q Has any application of any description ever been made in your behalf before to-day for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and minor child, under article fourteen of the treaty of Dancing Rabbit Creek do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Indians lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country they occupied in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of these who preferred to stay there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain there and not move out west to the new Nation might receive land there in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A Yes sir.
- Q Did any of your ancestors live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.
- Q Did any of them own an improvement there at that time? A I don't know sir.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1835? A I don't know sir.
- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q So far as you know then none of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of all such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and take land. On this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This

caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the lands so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? A No sir, not that I know of.
- Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
- Q Any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Muskogee within ten days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of this application, such proper written evidence as may be offered within ten days from to-day will receive the consideration of the Commission.

#3.

Q Any further statement you want to make? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Are you a full sister of Willie Preater? A Yes sir.
Q Do you desire to have your case consolidated with that of your father and that of your second cousin Luther F. Vick? Yes sir.

Special reference is hereby made to N S R 5879, Luther F. Vick et al., and N S R 6887, Turner Vick et al., the applicants in said cases and the applicant in this case being the descendants of a common Choctaw ancestor.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; she has rather dark hair; complexion is inclined to be fair; has blue eyes; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 21st day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 6011.

Muskogee, Indian Territory, February 18, 1903.

Cora Petty,

Dixon, Texas.

Dear Madam:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5980
George I. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha W. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James R. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora M. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha H. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence E. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

C. P. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixie
Acting Chairman.

Registered.

M C R 6011

Muskogee, Indian Territory, April 7, 1904.

Cora Petty,

Dixon, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

(SIGNATURE)

H. D. Johnson
Commissioner in Charge.

No. 6011

Identification as a Mississippi Choctaw.

Date JUL 7 1902
Name Cora Petty

Age 18 Blood 1/16

Post-Office, Dixon, Tex.

Father: Turner Vick L

Mother: Martha " L

Claims through father.

Husband Robert Petty L

No claim for husband

Children:

Murphy Petty 7mo

Self and one child

Grapher

A. G. McMillen

Choctaw MCR 6012

Clarissa Vick

See MCR 5993

MCR 6012

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., July 7th, 1902.

#0012.

In the matter of the application of Clarissa Vick for the identification of herself as a Mississippi Choctaw.

No attorney.

Clarissa Vick, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Clarissa Vick.
Q How old are you? A Twenty-one.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q What is your post office address? A Millersgrove.
Q Millersgrove, Texas? A Hopkins County, Texas.
Q How long have you lived in Texas? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Turner Vick.
Q Is your mother living? A No sir.
Q What was her name? A Martha Vick.
Q Through which one of your parents do you derive your Choctaw blood? A My father's side.
Q Is the Turner Vick who appeared before the Commission here this morning your father? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? A His father.
Q What was his father's name? A Henry Vick.
Q Through which one of his parents did Henry Vick get his Choctaw blood? A His father's side I suppose.
Q What was his father's name? A Steven Vick.
Q Do you know the names of Steven Vick's parents? A No sir.

It will be necessary that evidence of the marriage of your father and mother, of your father's father and mother and of the father and mother of Henry Vick, be furnished in connection with your case and the cases of your brothers and sisters. It will only be necessary that the marriage of Steven Vick and the mother of Henry Vick be proved in the case of one of the descendants of said Steven Vick, and it will only be necessary that the marriage of Henry Vick and your father's mother be proven in the case of one of the descendants of Henry Vick. Ten days from this time will be allowed in which to furnish such evidence.

#2.

- Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir, not as I know of.
Q Are you married? A No sir.
Q Have you ever been married? A No sir.
Q This application then is for yourself only is it? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir, not as I know of.
Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory, have you? A No sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation, and for the benefit of these who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and not move out west to the new Nation, might receive land there in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of

age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A Yes sir.
- Q Did any of your ancestors live in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.
- Q Did any of them own an improvement there at that time? A Not as I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A Not as I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the main portion of the Choctaw tribe between the years 1835 and 1838? A Not as I know of.
- Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not as I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi and heard a great many of these Choctaw cases.

#4.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A No sir, not as I know of.
- Q So far as you know then none of your ancestors ever received any benefits as Choctaw Indians? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Muskogee within ten days from to-day and their testimony will be taken. If you should see fit to offer any written evidence in support of this application, such proper written evidence as may be offered within ten days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you want to make at this time? A No sir.
- Q You don't speak or understand the Choctaw language do you? A No sir.
- Q What relation are you to Cora Petty? A Sister.
- Q Full sister? A Yes sir.

Special reference is hereby made to M C R 8879, Luther F. Vick et al., and M C R 6007, Turner Vick et al., the applicants in said cases and the applicant in this case being the descendants of a common Choctaw ancestor.

#5.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; she has dark hair, rather fair complexion; blue eyes; she doesn't speak or understand the Cheyenne language and has no knowledge of a compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 21st day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 6012.

Muskogee, Indian Territory, February 18, 1903.

Clarissa Vick,

Millergrove, Texas.

Dear Madam:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Harris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James R. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George C. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Luitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chlee Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

C. V. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tams Bixby.
Acting Chairman.

Registered.

COPY. M C R 6012

Muskogee, Indian Territory, April 7, 1904.

Clarissa Vick,
Miller Grove, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

SIGNED)

T. B. Nease

Commissioner in Charge.

No. 6012

For Identification as a Mississippi Choctaw.

JUL 7 1902

Name ^{Date} *Charissa Vick*

Age *21* Blood *1/16*

Post-Office *Millergrove, Tex.*

Father: *Turner Vick S*

Mother: *Martha " d*

Claims through *Father*

Self only.

Children:

A. J. McMillan
grapher

Choctaw MCR 6013

George L. Parker

See MCR 5993

MCR 6013

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 7th, 1902.

#0013.

In the matter of the application of George L. Parker for
the identification of himself as a Mississippi Choctaw.

Re Attorney.

George L. Parker, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A George L. Parker.
Q How old are you? A Twenty-five years old.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Aubrey, Texas.
Q What county? A Benton county.
Q How long have you lived in Texas? A Born and raised there.
Q Is your father living? A No sir.
Q What was his name? A George W. Parker.
Q Is your mother living? A Yes sir.
Q What is her name? A Mary E. Reynolds.
Q Through which one of your parents do you get your Choctaw blood?
A My mother.
Q Your mother has been before the Commission recently has she not?
A Yes sir.
Q Has she ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A
Not that I know of.
Q Through which one of her parents does she get her Choctaw blood?
A Her father.
Q What is his name? A William Vick.
Q What relation is your mother to Luther F. Vick? A Sister.
Q Full sister? A Yes sir.
Q Through which one of his parents did William Vick get his Choctaw blood? A His father.
Q What was his name? A Steven.
Q Where was your mother born? A She was born in Kentucky.
Q How long did she live there? A Well, to the best of my recollection she left there when she was maybe two or three years old; she went from there to Illinois and then back to Kentucky I think it was; I think it was Illinois she went to and back to Kentucky.
Q Where did she go then? A From there to Texas.
Q Do you know where William Vick was born? A In Kentucky.

- Q Never lived in Mississippi did he? A Not that I heard of.
 Q Do you know where Steven Vick was born? A No sir, I don't know where he was born.

It will be necessary in the case of one of the descendants of William Vick that the marriage of William Vick and your mother be proven, and it will also be necessary that in the case of one of the descendants of Steven Vick the marriage of Steven Vick and William Vick's mother be proven. Ten days will be allowed from to-day in which to submit proper evidence on this point. Now it is only necessary that these marriages be proven in one of these cases and you may determine among yourselves as to which shall furnish the evidence.

- Q Are you married? A Yes sir.
 Q Is your wife living? A Yes sir.
 Q What is her name? A Emma F.
 Q Has she any Choctaw blood? A No sir.
 Q You make no claim for her then? A No sir.
 Q Have you any children living? A No sir.
 Q This application then is for yourself only is it? A Yes sir.
 Q Have you been married more than once? A No sir.
 Q Has your wife? A No sir.
 Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
 Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
 Q Did any one else ever make such an application in your behalf? A If so, I never heard of it.
 Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 16, 1896? A No sir.
 Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission, or the United States Court for the Indian Territory, have you? A No sir.
 Q Has any application of any description ever been made before to-day in your behalf for the purpose of establishing your right as a Choctaw Indian? A No sir.
 Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek? do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the Choctaw tribe of Indians and the government of the United States. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Choctaw Nation back in Mississippi and Alabama and not move out west to the new country, might receive land back there in the old Nation. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A I think so.
- Q Did any of your ancestors live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I couldn't tell you whether they did or not.
- Q Did any of them own an improvement there at that time? A I don't know.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was made, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A If they did I don't know anything about it.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1835 and 1838?
- A I don't know.
- Q You never heard then of any of your ancestors ever having received any land from the government under this fourteenth article? A No sir, never heard.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay in Mississippi and become citizens of the states and take land. On this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress

passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I ever heard of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of.
 Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir.
 Q Do you know whether any of them were in 1830 recognized members of the Choctaw tribe of Indians? A No sir, I don't know.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I do not.
 Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
 Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
 Q Have you any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us within ten days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of this application, such proper written evidence as may be offered within ten days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
 Q You don't speak or understand the Choctaw language? A No sir, I do not.

46.

Special reference is hereby made to H U B 3879, Luther F. Vint et al., the applicants in said case and the applicant in this case being the descendants of a certain Cheyenne ancestor.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has rather dark hair; his mustache is inclined to be light; fair complexion; blue eyes; doesn't speak or understand the Cheyenne language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 7th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 21st day of July, 1902.

Chas. L. V. Emerson
Notary Public.

COPY.

M.C.R. 6018.

Muskogee, Indian Territory, February 18, 1908.

George L. Parker,
Aubrey, Texas.

Dear Sir:

You are hereby advised that on the 18th day of February, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Parris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6006
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Busan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James B. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt N. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chlee Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

G. L. P. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Dixby.

Acting Chairman.

Registered.

W.C.B.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M C R 6013

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 7, 1904.

George L. Parker,
Aubrey, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,



Commissioner in Charge.

No. 6013

For Identification as a Mississippi Choctaw.

JUL 7 1902

Name *George L. Parker*

Age *25* Blood *1/16*

Post-Office *Aubrey Texas*

Father: *George W. Parker d*

Mother: *Mary S. Reynolds L*

Claims through *mother.*

wife *Emma F. Parker L*

No claim for wife.

Children:

Self only

Stenographer *A. G. M. Millan*



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1904

A handwritten signature in dark ink, appearing to be "J. H. ...".

CHAIRMAN

UNCLAIMED

General Office

... P. R.

6013

Advising that the Secretary of the Interior has affirmed Commission decision, refusing application for identification as a Mississippi Choctaw.

George L. Proctor,

Aubrey, Texas.



Penalty for private use, \$300.



Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Ind. Terr.
Official Business

Choctaw MCR 6014

Alice C. Jones

MCR 6014

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice C. Jones, et al.,
for identification as Mississippi Choctaws, H.C.R. 6014.

List of papers forwarded to the Secretary of the Interior,
comprising the records in the above case.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 7, 1902.

M C - 6014 -

In the matter of the application of Alice C. Jones for identification of herself and her two minor children, Willie Covington and Humphrey Covington, as Mississippi Choctaws.

A. S. McRae appeared as Attorney for Applicant.

Alice C. Jones, after being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Alice C. Jones.
Q. How old are you? A. I am forty-one next birthday.
Q. How much Choctaw blood have you? A. One-fourth.
Q. What is your post-office address? A. Conway, Arkansas.
Q. How long have you lived in Arkansas? A. Sixteen years.
Q. Where did you live before you came to Arkansas? A. Columbus, Mississippi.
Q. How long did you live there? A. All my life, until I went to Arkansas.
Q. Is your father living? A. No, sir.
Q. What was his name? A. Thomas Long.
Q. Is your mother living? A. No, sir.
Q. What was her name? A. Lorena Long.
Q. Through which parent did you get your Choctaw blood? A. My father.
Q. How old would he be if living now? A. About 72 years of age.
Q. Do you remember what year he was born? A. I don't know.
Q. Do you think he would be 72 years old if living now? A. Yes, sir.
Q. Where was he born? A. In Mississippi.
Q. In what county? A. In Lowndes County.
Q. How long did he live in Lowndes County? A. Until his death.
Q. How much Choctaw blood did he have? A. One-half.
Q. Was he a slave? A. He was.
Q. Was he lawfully married to your mother? A. From the history of our family, they were.
Q. Did you have any full brothers or sisters? A. I had two full brothers and one sister.

- Q. Were they older or younger than you? A. They were older.
- Q. How long did your father and mother live together as husband and wife? A. I don't know; I cannot tell you.
- Q. Did they live together until the death of one of them? A. Yes, sir, my father died first.
- Q. When did he die? A. In 1884.
- Q. Through which one of your father's parents did he get his Choctaw blood? A. Through his father.
- Q. What was his father's name? A. Fred Brownrigg.
- Q. How much Choctaw blood did he have? A. He was a full blood.
- Q. Did you ever see him? A. No, sir.
- Q. How do you know he was a full blood? A. I have the history of him from my parents.
- Q. Do you know where he was born? A. In Mississippi.
- Q. In what county? A. In Lowndes County.
- Q. In what year was he born? A. I don't know.
- Q. What was the name of your father's mother? A. Annica.
- Q. Was she a slave? A. She was.
- Q. Was Fred Brownrigg a slave? A. Yes, sir.
- Q. They were both slaves? A. Yes, sir.
- Q. Do you know the names of Fred Brownrigg's parents? A. No, sir, I don't know.
- Q. Did he have a Choctaw Indian name? A. Not to my knowledge. I don't know.
- Q. Do you remember ever hearing that he had one? A. No, sir.
- Q. Do you know whether your father's mother had an Indian blood? A. No, sir. I have heard it was on his father's side.
- Q. Did your father have any full brothers and sisters? I think not; there were only three children.
- Q. Were the other two of the same name? A. I think so, I am not sure.
- Q. Do you know whether Fred Brownrigg and Annica were lawfully married? A. I don't know.
- Q. Have you any idea? A. I don't know.
- Q. Do you know how long they lived together as a husband and wife? A. No, sir.
- Q. Or whether they did, in fact, live together as husband and wife? A. I don't know myself.

In this case it will be necessary that you furnish the Commission with evidence of the marriage of your father and mother; and also evidence of the marriage of your father's father and mother. This evidence should be furnished within ten days from this date, if possible.

- Q. Are you married? A. I am.
- Q. Is your husband living? A. Yes, sir.
- Q. What is his name? A. J. C. Jones.
- Q. What is the "J" for? A. James. His name is James C. Jones.
- Q. Has he any Choctaw blood? A. No, sir.
- Q. You make no claim for him? A. No, sir.
- Q. Have you any children living? A. Yes, sir.
- Q. How many? A. I have five.
- Q. Are any of them of age? A. Three are of age, and two under age.

- Q. What are the names of the two under age, the elder first? A. Willie Covington.
- Q. How old is Willie? A. He will soon be nineteen.
- Q. What is the other's name? A. Humphrey Covington.
- Q. Is this one a boy? A. Yes, sir.
- Q. How old is Humphrey? A. He is ten years old.
- Q. Do these two live with you at home? A. Yes, sir.
- Q. Willie is not married, is he? A. No, sir.
- Q. What is the name of the father of these two children? A. Richard Covington.
- Q. Is he living? A. No, sir.
- Q. Had he any Choctaw blood? A. Not that I know of.
- Q. Is this man, Richard Covington, the father of the three older children? A. Yes, sir.
- Q. What are the names of the three older ones? A. Lorena Whitehead is one.
- Q. The next one? A. Lula Palmer, and Alice Nichols are the other two.
- Q. Have these three children been before the Commission to be identified as Mississippi Choctaws? A. They have not.
- Q. This application is for yourself and your two minor children, is it? A. Yes, sir.
- Q. Was your father ever in Indian Territory? A. Not to my knowledge.
- Q. He was never, to your knowledge, recognized or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, was he? A. No, sir.
- Q. Is your name or the names of either of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
- Q. Did you ever make application to the Choctaw tribal authorities for the enrollment of yourself and your children as citizens of the Choctaw Nation? A. No, sir.
- Q. Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the provision of the act of Congress of June 10, 1896? A. No, sir.
- Q. Then neither you nor your two minor children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A. No, sir.
- Q. Has any application of any description been made by you before today, or by any one for you, for the purpose of establishing your rights as Choctaw Indians? A. No, sir.
- Q. Do you now appear before the Commission for the purpose of establishing the right of yourself and your two minor children to lands in the Choctaw Nation under the fourteenth article of the treaty of Dancing Rabbit Creek? A. Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi, on the 27th day of September, 1830, between the Government of the United States and the Choctaw Nation. At the time the treaty was made the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country then occupied by them in Mississippi and

Alabama to a new country west of the Mississippi River, a part of which is now occupied by a greater portion of the Choctaw Nation and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to stay what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who desired to remain in Mississippi and not move to the new Nation might be permitted to do so, and might receive lands there in Mississippi. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. Do you understand that fourteenth article, do you? A. I don't understand it all.
- Q. You understand it well enough to claim under it, do you? A. Yes, sir. That what you have just explained? I understand that.
- Q. Did any of your Choctaw ancestors live in the old Choctaw Nation, in Mississippi or Alabama, in 1830 when this treaty was made? That was 72 years ago? A. Yes, sir.
- Q. What one of them lived there at that time? A. Rhoda Long.
- Q. Was she one of your ancestors? A. Yes, sir, and my father and mother lived there at that time.
- Q. Did they live there 72 years ago? A. I don't know.
- Q. That was about the time your father was born, wasn't it? according to your testimony? A. Yes, sir.
- Q. I mean were any of your Choctaw ancestors, your foreparents, living there in Mississippi in 1830 when the treaty of Dancing Rabbit Creek was made? A. My grandfather was.
- Q. Which one? A. Fred Brownrigg.
- Q. In what part of the old Nation did he live? A. In Lowndes County.
- Q. What part of the State? That is west of the Tombigbee River.
- Q. Did he own improvements there at that time, of his own? A. Not that I know of.
- Q. Did he or any other of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek

let the Agent of the Government for the Choctaws in Mississippi know that they wanted to stay in Mississippi, take lands there and become citizens of the States? A. Not that I know of.

- Q. Did any of them remove to the present Choctaw Nation at the time of the removal of the great portion of the Choctaws between the years 1833 and 1838? A. I think not.
- Q. Did any of them ever claim or receive any benefits from the Government as Choctaw Indians under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? Not that I know of.
- Q. Did any of them ever get any lands from the Government, to your knowledge? A. No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take lands. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay in Mississippi and become citizens of the States and take lands; and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q. Did any of your Choctaw ancestors appear before either of these commissions and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A. Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should finally be decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q. Did any of your ancestors receive any such scrip from the Government under that act of Congress? A. Not that I know of.
- Q. So far as you know, then, none of your ancestors ever received any benefits from the Government of the United States as a Choctaw Indian, did they? A. No, sir.
- Q. Do you know whether any of your ancestors were recognized as Choctaws at the time that treaty was made? A. Yes, sir.

- Q. Who was it? A. Fred Brownrigg.
- Q. How do you know he was a recognized member of the Choctaw tribe of Indians then? A. I have the history from my parents, and they said he was.
- Q. They just told you he was a full blood Choctaw, didn't they? A. Yes, sir.
- Q. You never heard of his getting land and scrip from the Government, did you? A. No, sir.
- Q. Do you know of any old person who would likely know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A. Yes, sir.
- Q. Who? A. Rhoda Long.
- Q. What relation is she to you? A. None at all.
- Q. How old is she? A. She is ninety-two years old.
- Q. Where does she live? A. In Columbus, Mississippi.
- Q. Do you know of any written evidence of any description that you could introduce which would prove or tend to prove such a state of facts? As that your ancestors lived there and attempted to comply with the provisions of that article? A. Yes, sir.
- Q. What written evidence? A. Rhoda Long.
- Q. Her affidavit? A. Yes, sir.
- Q. Have you her affidavit with you? A. Yes, sir. (Presenting it).
- Q. Rhoda Long states in her affidavit that she does not know whether Fred Brownrigg complied with the provisions of that treaty or not. A. I understood your question to be whether she was acquainted with him there.
- Q. This affidavit is all the written evidence you know of that would prove or tend to prove that your ancestor complied with article fourteen of the treaty of Dancing Rabbit Creek? A. I have one also of Harriet Evans.
- Q. Who is she? A. She is an acquaintance of the family and came from the same family of people. She belonged to the same man who owned us at that time.
- Q. Neither Harriet Evans nor Rhoda Long are related to you? A. No, sir.
- Q. Do you desire to offer these affidavits in evidence in support of your application? A. Yes, sir.

The affidavits of Rhoda Long and Harriet Evans are filed, identified, marked Exhibits A and B, and made a part of the record in this case.

- Q. Have you any other written evidence to offer at this time? A. No, sir.
- Q. Have you any witnesses here to-day to introduce in support of your application? A. No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here at Muskogee within ten days from this date and their testimony will be taken. Or, if you should see fit to offer other written evidence in support of your application, if you present it within ten days from this date, it will receive the consideration of the Commission.

- Q. Are there any further statements you wish to make now? A. No, sir.
- Q. Have you any brothers living? A. Yes, sir. No, sir.
- Q. Have you any sisters living? A. No, sir.
- Q. Did any of your brothers leave any children? A. No, sir.
- Q. Did your sister leave any children? A. One.
- Q. What was her name? A. Francesa Hodges.
- Q. How many children did she leave? A. One, Willis Hodges, a boy.
- Q. Where does he live? A. Columbus, Mississippi.
- Q. How old is he? A. He was born in 1865, and is about 36 now.
- Q. Has he been before the Commission? A. Yes, sir.
- Q. Was his mother your full sister? A. Yes, sir.
- Q. How many brothers you say your father had? A. None.
- Q. Did he have any sisters? A. Two, Henrietta and Sallie.
- Q. Did either of them leave children? A. Both left children.
- Q. What was Henrietta's married name? A. Morgan.
- Q. How many children did she leave? Three, to my knowledge; two girls named Nellie and Jessie; I don't know their married names and one boy named Raymond Morgan. D
- Q. Did this brother leave any children? A. No, sir.
- Q. What was the married name of your father's other sister? A. Brown; she left two boys.
- Q. Are they living? A. I don't know; their names are Daniel and Isaac. I don't know whether they have been before the Commission or not.
- Q. These two sisters were full sisters of your father A. yes, sir, and he did not have any others.
- Q. Do you speak or understand the Choctaw language A. No, sir.

This applicant has the appearance and physical characteristics of being a mixture of negro and either white or Indian blood in which the negro dominates. She does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on July 7, 1908, and that the foregoing is a true and correct transcript of his stenographic notes in same, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this 11th day of July, 1908.

W. L. Emerson
Notary Public.

COPY.

*W. A. L.
Owen*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice S. Jones, et al.,
for identification as Mississippi Choctaws, W.C.N. 6014.

--- DECISION ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Alice S. Jones, for herself and her two minor children, Willie and Elphingor Covington, under the following provision of the act of Congress approved June 22, 1906 (34 Stat., 425):

"Said Commission shall have authority to determine the identity of Choctaw Indian claimants rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descended

ants of Fred Brownrigg, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Fred Brownrigg, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (6 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice

C. Jones, Willie Covington and Humphrey Covington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tame Dixie

Acting Chairman.

SIGNED

T. B. Needles

Commissioner.

SIGNED

C. R. Breckinridge

Commissioner.

Witness, Indian Territory,

Feb 4 1903

COPY.

M.C.R. 6014

Muskegee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Alice C. Jones, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice C. Jones, Willie Covington and Humphrey Covington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Dixby.

Acting Chairman.

COPY.

H.C.R. 6614

Muskogee, Indian Territory, February 4, 1903.

Alice G. Jones,
Conway, Arkansas.

Dear Madam:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Alice G. Jones, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice G. Jones, Willie Covington and Humphrey Covington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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-2-

Interior through the Commissioner of Indian Affairs.

Respectfully,

W. M. D.

Tams Ditty

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 4, 1903.

A.S. McRae,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Alice C. Jones, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice C. Jones, Willie Covington and Humphrey Covington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

-2-

time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tamie Bixby.

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior

Sir:

There is transmitted herewith the record in the case of Alice C. Jones, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letteres being attached to the record.

Respectfully,

Very truly,

Taras Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

X inclosures: M. S. R. 6014.

Land
12774-1903

C O P Y
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

April 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Alice C. Jones, for herself and her two minor children, Willie and Humphrey Covington, for identification as Mississippi Cheetaws, claiming rights as such, under the provisions of the 14th article of the Cheetaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Fred Brownrigg, who it is alleged was a Cheetaw Indian and a resident in the Cheetaw Nation in Mississippi or Alabama at the time of the making of the Cheetaw treaty of 1830, through Thomas Long, his son, father of the principal applicant.

The Commission rejected the applicants Feb. 4, 1903, because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that they have never been enrolled as citizens of the Cheetaw Nation.

An examination of the records of this office has been made with reference to the name of Fred Brownrigg and it is discovered

that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that he applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if he had any, as a Choctaw Indian.

These being the facts, it is the opinion of this office that the decision of the Commission rejecting the applicants is correct and is accordingly recommended for approval.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

C.T.C.

D.C.13851
I.T.D.4114-1903
LRS

DEPARTMENT OF THE INTERIOR
WASHINGTON, May 6, 1903.

WCV
RAY

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

With your letter of February 20, 1903, was transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Alice G. Jones and her minor children, Willie and Humphrey Covington, including your decision of February 4, 1903, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Fred Brownrigg, the paternal grandfather of principal applicant, who is alleged to have been a full blood Choctaw and to have lived in Mississippi or Alabama in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Fred Brownrigg complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (6 Stat., 613).

Reporting April 28, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully considered the whole case, and hereby affirms the decision rendered.

Respectfully,

Thos Ryan,
Acting Secretary

1 inclosure

COPY.

M.B.H. 6014

Muskogee, Indian Territory, May 19, 1903.

Alice C. Jones,

Conway, Arkansas.

Dear Madam:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alice C. Jones, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

James Bixby,
Chairman.

COPY.

H.O.A. 6014

Muskogee, Indian Territory, May 19, 1903.

A. S. McRae,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alice C. Jones, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

COPY?

H.C.R. 6014

Muskogee, Indian Territory, May 19, 1903.

Mansfield, McMurray and Gernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alice C. Jones, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

James Birney
Chairman.

For Identification as a Mississippi Choctaw.

Date

JUL 7 1902

Name

Alice B. Jones

Age

40

Blood

1/4

Post-Office,

Conway, Ark

Father:

Thomas Long d

Mother:

Lorena Long d

Claims through father

husband

James C. Jones L

No claim for husband.

Children:

Willie Covington m 18

Humphrey " m 10

father Richard Covington No claim d

Self and 2 children

Stenographer

J. A. Apple

Choctaw MCR 6015

James H. Manning

See MCR 5993

MCR 6015

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 7, 1902.

M C - 4015 -

In the matter of the application of James H. Manning
for the identification of himself and his four minor children,
Gael Griffin, Mary, Dora, and Samuel W. Manning, as Mississippi
Choctaws.

No attorney for applicant.

James H. Manning, after being duly sworn, testified as
follows:

Examination by the Commission.

- Q. What is your name? A. James H. Manning.
Q. How old are you? A. I am forty years old.
Q. How much Choctaw blood do you claim? A. Somewhere about the
sixteenth, I guess.
Q. What is your post office address? A. Hoover Gin, Texas.
Q. In what county? A. Hunt County.
Q. Is your father living? A. No, sir.
Q. What was his name? A. George S. Manning.
Q. Is your mother living? A. No, sir.
Q. What was her name? A. Mary Davis before she was married.
Q. Through which parent do you claim Choctaw blood? A. My mother.
Q. How old would your mother be if living now? A. She was sixty-
two when she died thirteen years ago.
Q. Where was she born? A. I don't know whether she was born in
Mississippi or in Georgia.
Q. How long did she live in Texas? A. I don't know that.
Q. Have you an idea how long? A. Some where in fifty years.
Q. Have you lived there all your life? A. Yes, sir.
Q. Did your mother go from Georgia to Texas? A. No, from Mis-
sissippi.
Q. Do you know in what county in Mississippi she lived? A. No,
sir.
Q. Through which parent did your mother get her Choctaw blood?
A. Her father.
Q. What was his name? A. I don't remember. It was Davis, that is
all I know.
Q. How much Indian blood did he have? A. He was a quarter blood?
Q. Do you know whether he had a Choctaw Indian name? A. No,
sir.
Q. Do you know where he was born? A. No, sir.
Q. Where did he live during his life time? A. I don't know; I

- think they lived in Georgia when we married. I don't know how long they lived there. I don't know whether my grandfather ever lived in Mississippi or not.
- Q. What was your mother's mother's name? A. I cannot tell you.
- Q. Do you know the names of any of your Choctaw ancestors back of your mother? A. No, sir.
- Q. Was your mother ever in Indian Territory? A. I don't know of it, if she was.
- Q. Was she ever recognized in any manner as a member of the Choctaw tribe of Indians? A. Not to my knowledge.
- Q. Are you married? A. Yes, sir.
- Q. Is your wife living? A. My first wife is dead; I am now living with my second wife.
- Q. What is the name of your second wife? A. Mary Jane.
- Q. Has she any Choctaw blood? A. No, sir.
- Q. You don't make any claim for her, then? A. No, sir.
- Q. Have you any children by your second wife? A. I have one.
- Q. What is its name? A. Samuel W. Manning.
- Q. How old is he? A. Seven months old.
- Q. Is he the child of yourself and Mary Jane? A. Yes, sir.
- Q. How many children have you by your first wife? A. She had three.
- Q. Are they living? A. Yes, sir.
- Q. What are their names, the eldest first? A. Sol Griffin.
- Q. How old is he? A. Fifteen years old.
- Q. Next? A. Mary.
- Q. How old? A. Ten years old.
- Q. The next one? A. Bera.
- Q. How old is she? A. Nine.
- Q. Are these children living with you at this time? A. Yes, sir.
- Q. What was their mother's name? A. Bula Ann.
- Q. Did she have any Choctaw blood? A. Yes, sir.
- Q. How much? A. One-eighth, I believe.
- Q. Through which parent did she get her Choctaw blood? A. Her father.
- Q. Is he living? A. No, sir.
- Q. What was his name? A. Henry Vick was her father.
- Q. Through which parent did Henry get his Choctaw blood? A. His father.
- Q. What was his name? A. I don't know.
- Q. Did Henry Vick have a brother named William Vick? A. I don't know.
- Q. Was your wife related to Luther F. Vick? A. Yes, sir. She was a cousin of his.
- Q. Then her father and his father were brothers? A. Yes, sir.
- Q. Where was your first wife born? A. In Texas.
- Q. Did she live there all her life? A. I think they lived in Arkansas awhile.
- Q. Was she older or younger than you? A. She was younger.
- Q. Do you know where her father was born? A. No, sir.
- Q. Did he live in Mississippi to your knowledge? A. I don't know.
- Q. You don't know anything about your first relatives further back than her father? A. No, sir.
- Q. You don't know where they lived? A. No, sir.
- Q. Do you know how old Henry Vick, your first wife's father, would be if living now? A. No, sir.

- Q. About how old? A. Up in eighty, I suppose.
 Q. Did your wife ever have a brother named Turner Vick? A. Yes, sir.
 Q. Is he living now? A. Yes, sir.
 Q. Is he the Turner Vick who is present to-day and had made an application to the Commission? A. Yes, sir.
 Q. Is your wife a full sister to Susanna Kelley? A. Yes, sir.
 Q. Were you married to your wife, your first wife, under a license? A. Yes, sir.
 Q. Where? A. At Sulphur Springs, Texas.
 Q. When were you married? A. Eleven years ago.
 Q. Who married you? A. I don't remember the man's name?
 Q. Was he a preacher? A. I think so.
 Q. Have your marriage license with you? A. No, sir.

It will be necessary for you to furnish the Commission with evidence of the marriage of yourself and Hilda Ann, and the period of ten days from this date will be allowed you in which to introduce same.

- Q. Were you married to your second wife under a license? A. Yes, sir.
 Q. When? A. Three years ago.
 Q. Where were you married? A. In Comanche, Texas.
 Q. Who married you? A. J. W. Manning, a Justice of the peace.
 Q. Have you the marriage license with you? A. No, sir.

It will be necessary for you to furnish the Commission with evidence of the marriage to your second wife, Mary Jane, and you will be given ten days time in which to produce such evidence.

- Q. When did your first wife die? A. Six years ago last March.
 Q. Was she married more than once? A. No, sir.
 Q. Do you know whether your mother's father and mother were lawfully married? A. I don't know; I suppose so.
 Q. Do you know how long they lived together as husband and wife? A. I don't know.
 Q. How many children were born to them? A. I don't know; I cannot tell how many are living.
 Q. How many? A. There are six living.

You should furnish the Commission with proper evidence of the marriage of your father and mother's father and mother, and ten days will be allowed you for that purpose. You should also furnish the Commission with evidence of the marriage of the father and mother of your first wife, and also of the marriage of the father and mother of Henry Vick. Several of the applicants, who are descendants of the father and mother of Henry Vick, have appeared before the Commission and in case this evidence is furnished in one case it will be sufficient for all others. It will be necessary that this proof be in for consideration in behalf of your three children by your first wife. This evidence should be furnished in some one of these cases.

- Q. This application is made by you for yourself and your four minor children, is it? A. Yes, sir.
- Q. Is your name or the name of any one of your minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No, sir.
- Q. Did you ever make application for yourself and these children to be admitted or enrolled as members of the Choctaw tribe of Indians in Indian Territory? A. No, sir.
- Q. Did any one else ever make application in your behalf? A. None only one of my nephews as I told you.
- Q. No one ever made application for you, did they? A. No, sir.
- Q. Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the provisions of the act of Congress of June 10, 1896? A. No, sir.
- Q. Has any application of any description ever been made by you before to-day, or by any one in your behalf, for the purpose of establishing your and these children's rights in the Choctaw lands? A. No, sir.
- Q. Do you now appear before the Commission for the purpose of claiming rights in the Choctaw lands and of establishing the rights of your minor children to lands in the Choctaw Nation under the provisions of the fourteenth article of the treaty D of Dancing Rabbit Creek? A. Yes, sir.

The treaty of Dancing Rabbit Creek was entered into on the 27th day of September, 1830, in Mississippi, between the Government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama. The object of the treaty was to get the Choctaw Indians to remove from the old Choctaw nation in Mississippi and Alabama to the new Nation west of Mississippi River, a part of which is now occupied by a greater portion of the Choctaws and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country. At the time this treaty was made some of the Choctaws were unwilling to leave the old Nation, and for the benefit of those who preferred to stay what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay in Mississippi and become a citizen of the States and not move west should be allowed to do so and might receive lands there in Mississippi. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. Do you understand that article now? A. Yes, sir.
- Q. Did any of your Choctaw ancestors, to your knowledge, live in Mississippi or Alabama in 1830 when that treaty was made? A. I can't tell you.
- Q. Did any of your ancestors or any of the ancestors of your first wife comply or attempt to comply with the provisions of the fourteenth article, or ever receive any benefits thereunder? A. I don't know.
- Q. Did any of them own any improvements on lands there in the old Choctaw Nation when that treaty was made? A. I don't know.
- Q. Did any of them within six months after the ratification of the treaty of Dancing Rabbit Creek let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, take lands and become citizens of the States? A. I don't know.
- Q. Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaws between the years 1833 and 1838? A. I don't know.
- Q. Did any of them ever get or receive any lands or other benefits from the Government as Choctaw Indians under the provisions of the fourteenth article? A. I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government of the United States directed an agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi, become citizens of the States and take lands. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay in Mississippi and take lands and become citizens; and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which the Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down in Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their lands had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they went down to Mississippi and heard a great many Choctaw cases, between 1837 and 1845.

- Q. Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A. Not that I know of.
- Q. Did any of the ancestors of your first wife do so? A. I don't know.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in

the place of the lands so sold by the Government, land some place else in Mississippi, Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q. Did any of your ancestors or your first wife's ancestors receive any of this scrip under that act of Congress? A. Not that I know of.
- Q. So far as you know, then, none of your ancestors or your first wife's ancestors ever received any benefits from the Government of the United States as a Choctaw Indian, did they? A. No, sir.
- Q. Do you know whether any of them were recognized as Choctaws in Mississippi or Alabama when that treaty was made in 1830? A. No, sir.
- Q. Do you know of any old person now living who would likely know whether any of your Choctaw ancestors or your first wife's ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A. No, sir.
- Q. Do you know whether you could produce any written evidence which would prove or tend to prove such a state of facts? A. I don't know.
- Q. Have you any written evidence with you to-day that you want to offer in support of your application? A. No, sir.
- A. Have you any witnesses here to-day to testify in your behalf? A. No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear before us here in Muskogee within ten days from this date and their testimony will be taken. Or, if you should see fit to offer written evidence in support of your application, if you present it within ten days from this date, it will receive the consideration of the Commission.

- Q. Are there any further statements you wish to make now? A. No, sir.
- Q. Do you speak or understand the Choctaw language? A. No, sir.
- Q. Have you any brothers living? A. I have five.
- Q. Give me their names? A. Walter H. Manning, Wesley A. Manning, Samuel C. Manning, Joseph W. Manning, and Louis R. Manning.
- Q. Have you any brothers dead? A. I have two dead.
- Q. Did they leave families? A. One of them left a family.
- Q. What was the name of the one who left children? A. Benjamin Thomas Manning. He left one child that I know of. I don't know whether the child is living or not.
- Q. You don't know whether the child is living or not? A. One is living, and I don't know whether the next one is living or not.
- Q. What is the name of the one you know to be living? A. William Walter.
- Q. Is he of age? A. Yes, sir.
- Q. Has he been before the Commission? A. Not to-day. I think he was some time in May.
- Q. Did you ever have any sisters? A. No, sir.
- Q. Did your mother ever have any sisters? A. I think so.

Q. What are their names? A. I don't know their names. They were all back in the old states.

Q. Do you know the names of any of your mother's brothers? A. No, sir.

Reference is made to No. 5879, Luther F. Vick, et al., the applicants in said case and the three minor applicants in this case being descendants of a common ancestor.

This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood; he has black hair, brown eyes, and dark complexion. He does not speak or understand the Ojibwa language, and has no knowledge of a compliance on the part of his ancestors or of the ancestors of his first wife with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on July 7, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in same, to the best of his knowledge and belief.

S. A. Apple

Subscribed and sworn to before me this 12th day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

Muskogee, Indian Territory, February 18, 1903.

James H. Manning,
Hoovergin, Texas.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5990
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5998
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert W. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther P. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Haudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kahley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6292
Florence B. Tilley,	M.C.R. 6299.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James B. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Luttie Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora R. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. K. M. #2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

together with your arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamr Pixby

Acting Chairman.

Registered.

M C R 6015

Muskogee, Indian Territory, April 7, 1904.

James H. Manning,
Hoovergin, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

SIGNED

T. D. Needles
Commissioner in Charge.

3702-1909

Muskogee, Oklahoma, February 16, 1909.

Mrs. Mattie Mary Lane,
Chickasha, Oklahoma.

Madam:

Receipt is acknowledged of your letter of February 9, 1909, in which you state that you desire to be enrolled as a Mississippi Choctaw.

In reply you are advised that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and there is no authority of law for the reception or consideration of your claim to enrollment as a Mississippi Choctaw Indian.

Respectfully,

Acting Commissioner.

MoN

For Identification as a Mississippi Choctaw.

Date JUL 7 1902

Name James H. Manning

Age 40 Blood 1/16

Post-Office, Hoovergin, Tex.

Father: George S. Manning d

Mother: Mary D. " d

Claims through mother

wife Mary J. Manning L
No claim for wife

Self, plus 4 children

Children:

Col G. Manning 3/4 M 15

Mary " " F 10

Dora " " F 9
mother Hulda A. Manning (1/8) d

Samuel W. Manning 7 mo ✓
mother Mary J. Manning L

Stenographer

S. Apple.

Choctaw MCR 6016

Lawrence A. Vick

See MCR 5993

MCR 6016

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 7, 1902.

X 5 3016 -

In the matter of the application of Lawrence A. Vick
for the identification of himself and his sister, Emma Vick, as
Mississippi Choctaws.

No attorney for applicants.

Lawrence A. Vick, after being duly sworn, testified as
follows:

Examination by the Commission.

- Q. What is your name? A. Lawrence A. Vick.
- Q. How old are you? A. I am twenty-two year old.
- Q. How much Choctaw blood have you? A. One-sixteenth, about.
- Q. What is your post office address? A. Beaver Gin, Texas.
- Q. What county is that in? A. Ross County.
- Q. How long have you lived in Texas? A. All my life.
- Q. Is your father living? A. No, sir.
- Q. What was his name? A. Simpson S. Vick.
- Q. Is your mother living? A. Yes, sir.
- Q. What is her name? A. Minnie Garrett was her name before she married.
- Q. Through which parent do you claim your Choctaw blood? A. My father.
- Q. How old would he be if living now? A. I don't know.
- Q. About how old? A. He has been dead seventeen years, and I do not know how old he would be.
- Q. Where was he born? A. In Texas, I reckon.
- Q. Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians? A. I think there were Vicks enrolled.
- Q. As members of the Choctaw tribe in Indian Territory? A. I don't know.
- Q. Through which parent did your father get his Choctaw blood? A. His father, I suppose.
- Q. What was his father's name? A. William Vick.
- Q. Through which parent did William Vick get his Choctaw blood? A. I don't know.
- Q. In what State was William Vick born? A. In Kentucky, I reckon.
- Q. What was the name of your father's mother? A. Garrett.
- Q. What was her first name? A. I don't know.
- Q. Was your father ever married? A. Yes, sir.
- Q. How many times? A. One.

- Q. Do you know where they were married? A. Greenville, Texas.
Q. Have you proof of their marriage? A. Yes, sir. (Presenting certificate.)

The certificate of L. P. Briscoe, clerk of the county court of Hunt county, Texas, showing the issuance of license of marriage of B. S. Vick and Mittie Garrett, is offered in evidence, marked Exhibit A, filed and made a part of the record in this case.

- Q. The B. S. Vick and Mittie Garrett referred to in this certificate are your father and mother, are they? A. Yes, sir.

It is necessary that the Commission be furnished with evidence of the marriage of William Vick and your father's mother; and also of the marriage of William Vick's father and mother; and ten days will be allowed you in which to supply such proof. Several of the descendants of the father and mother of William Vick and descendants of William Vick have heretofore appeared before the Commission, and it is only necessary that this proof be submitted in one case, as it will be considered in all when filed in one. You may determine among you who shall submit this evidence.

- Q. Are you married? A. No, sir.
Q. This application is for yourself only? A. I want to make application also for my youngest sister, if I can give her name.
Q. What is the name of your sister? A. Mamie Vick.
Q. How old is she? A. Nineteen.
Q. Is she married? A. No, sir.
Q. Is she living with you? A. Yes, sir.
Q. You support her do you, and your mother? A. Yes, sir.
Q. Is it at the request of your sister Mamie that you make application in her behalf? A. Yes, sir.
Q. You have no written authority for so doing, have you? A. No, sir.
Q. Is she your full sister? A. Yes, sir.
Q. She has never been before the Commission, has she? A. No, sir.
Q. This application is for yourself and your minor sister? A. It is.
Q. Is your name or the name of your sister to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A. I don't know.
Q. Was any application ever made to have you or your sister admitted and enrolled as members of the Choctaw tribe of Indians? A. No, sir.
Q. Was any application made to this Commission in 1896 for your enrollment as citizens of the Choctaw Nation in accordance with the provisions of the act of Congress approved June 10, 1896? A. No, sir.
Q. Were either of you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A. No, sir.
Q. Has any application ever been made for the purpose of establishing the rights of yourself and your sister in the lands of the Choctaw Nation, or for your enrollment as members of the Choctaw tribe of Indians? A. No, sir.
Q. Do you appear before the Commission at this time for the purpose of establishing the rights of yourself and your sister to

lands in the Choctaw Nation under the fourteenth article of the treaty of Dancing Rabbit Creek? A. Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi, on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws lived in the state of Mississippi and a portion of the state of Alabama, and the object of the treaty was to get the Choctaw Indians to remove from that old Nation to the new Nation west of the Mississippi River, a part of which is now occupied by the Choctaw and Chickasaw Nations and is commonly known as the Choctaw-Chickasaw country. At the time the treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to stay what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and not move west to the new nation might be permitted to remain and take lands there in Mississippi. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. Do you understand that fourteenth article now? A. Yes, sir.
- Q. Did any of your ancestors ever comply or attempt to comply with the provisions of that article, or ever receive any benefits from the Government thereunder? A. I don't know.
- Q. Did any of them live in the old Nation in Mississippi and Alabama in 1830 when that treaty was made? A. I don't know. I was but five years old when my father died and I never knew much about his ancestors.
- Q. Did any of them own any improvements there at that time? A. I don't know.
- Q. Did any of them within six months after the ratification of the treaty of Dancing Rabbit Creek let the agent of the Government for the Choctaws in Mississippi know that they wanted to stay there in Mississippi, take lands and become citizens of the States? A. I don't know.
- Q. Did any of them move to the new nation west of the Mississippi River at the time of the removal of the great portion of the Choctaws between the years 1833 and 1835? A. I don't know.
- Q. Did any of them ever claim or receive any lands from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A. If so I don't know.

Q. Did you ever hear of any of your people getting any lands from the Government of the United States as Choctaw Indians? A. No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take lands. The records of the Government show that this agent failed to register the names of many Indians who did, in fact, let him know that they wanted to remain, take lands and become citizens of the States; and on this account the Government at its public land sales, in many instances, sold land upon which Choctaws had improvements and which they supposed they would receive under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Choctaw Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been taken from them and sold by the Government. These commissioners were duly appointed by the President of the United States, and they went down to Mississippi and heard a great many of these Choctaw cases, between 1837 and 1845, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Q. Did any of your ancestors appear before either of these commissions and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A. I don't know.

An act of Congress approved August 23, 1842, provided that in case it should finally be decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of said land so sold by the Government, land some place else in Mississippi, Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q. Did any of your ancestors ever get any of this scrip under this act of Congress? A. No, sir.

Q. So far as you know none of your ancestors ever received any benefits from the Government of the United States as Choctaw Indians? A. No, sir.

Q. Do you know whether any of your ancestors were recognized in 1830 as members of the Choctaw tribe of Indians? A. No, sir.

Q. Do you know of any old person now living who would likely know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A. No, sir.

- Q. Do you know of any written evidence which would prove or tend to prove such a state of facts? A. No, sir.
- Q. Have you any written evidence to offer at this time in support of your application? A. No, sir.
- Q. Have you any witnesses to-day to testify in your behalf? A. No, sir.

If you should find any witnesses whose testimony you would like taken by the Commission they may appear before us here in Muskogee within ten days from this date and their testimony will be taken. Or, if you should see fit to offer written evidence in support of your application, if you present it within ten days from this date it will receive the consideration of the Commission.

- Q. Have you any further statements to make at this time? A. No, sir.
- Q. Do you speak or understand the Choctaw language? A. No, sir.
- Q. Have you any other brothers and sisters than the one you are making application for? A. I have one sister.
- Q. What is her name? A. Fannie.
- Q. Is she married? A. Yes, sir.
- Q. What is her husband's name? A. Jonas Rowell.
- Q. Have you any sisters or brothers dead? A. I have one brother dead.
- Q. How old is the one dead when he died? A. He died young.
- Q. He never grew up? A. No, sir.

Reference is here made to N C R No. 5879, Luther F. Vick, et al., the applicants in said case and the applicants in this case being descendants of a common ancestor.

This applicant has the appearance of being a white person. He shows no indication of being possessed of Indian blood; he has black hair, brown eyes, and a dark complexion. He does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

B. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on July 7, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in same, to the best of his knowledge and ability.

B. A. Apple

Subscribed and sworn to before me this

14th day of July, 1902.

Guy L. Emerson
Notary Public.

5116

NO R 6016

Muskogee, Indian Territory, February 4, 1903.

Lawrence A. Vick,
Honeygrove, Texas.

*Remailed Houston Texas
March 9, 1903*

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ult., in which you ask "to know if our evidence is alright; if so, when will we get our deed and will I get six hundred and forty acres and will my sister get three hundred and twenty acres".

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor sister as Mississippi Choctaws. Your case has been made a part of the consolidated case of Mary S. Reynolds and certain other persons, applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor. The Commission has not, up to the present time, reached any opinion or decision relative to the right of the several applicants in this case to be identified as Mississippi Choctaws but is now considering their applications and it is probable a decision will be rendered in the near future. The several applicants will be duly notified of the action of the Commission and of the forwarding of the records to the Secretary of the Interior.

At the present time the several persons included in this

L.A.Vick--2

consolidated case occupy the status of applicants for identification as Mississippi Choctaws whose rights to such identification have in no manner been determined.

Relative to any right which yourself and sister may have to hold land in the Choctaw and Chickasaw Nations your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 23, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 498), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by said Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until identified by the Commission as Mississippi Choctaws entitled to allotment, and that yourself and sister are not at this time entitled to possessory rights to the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 6016.

Muskogee, Indian Territory, February 18, 1903.

Lawrence A. Vick,
Hoovergin, Texas.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993,
Annie V. Wilson, et al.,	M.C.R. 5995,
Julia I. Phillips, et al.,	M.C.R. 5994,
Alvin G. Parker, et al.,	M.C.R. 5880,
George L. Parker,	M.C.R. 6013,
Isaac G. Farris, et al.,	M.C.R. 5997,
Bertha M. Taylor, et al.,	M.C.R. 5996,
William W. Manning, et al.,	M.C.R. 5537,
George R. Lilley,	M.C.R. 6019,
Stephen S. Lilley, et al.,	M.C.R. 6020,
Robert P. Lilley,	M.C.R. 6018,
Lawrence A. Vick, et al.,	M.C.R. 6016,
Luther P. Vick, et al.,	M.C.R. 5879,
Nora Akins, et al.,	M.C.R. 6017,
Lula Akins, et al.,	M.C.R. 6003,
Newton Vick,	M.C.R. 6005,
Maudie Bays,	M.C.R. 6004,
Turner Vick, et al.,	M.C.R. 6007,
Lutitia Irons, et al.,	M.C.R. 6009,
Willie Proctor, et al.,	M.C.R. 6010,
Clarissa Vick,	M.C.R. 6012,
Cora Petty, et al.,	M.C.R. 6011,
James H. Manning, et al.,	M.C.R. 6015,
Susan Kehley,	M.C.R. 6008,
Judge D. Vick, et al.,	M.C.R. 6006,
Dora E. Proctor,	M.C.R. 6291,
George Henry Vick, et al.,	M.C.R. 6290,
Margaret L. Morris, et al.,	M.C.R. 6288,
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie Kay Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

L. A. V. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Jane Bixby.

Acting Chairman.

Registered.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 6016

ATTENTION ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1903.

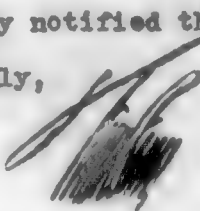
Lawrence A. Vick,
Hoovergin, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw.

In reply you are informed that the fifteen days from February 18, 1903, heretofore granted in this case, expired on March 5, 1903. On March 6, 1903, the record in your case, together with the decision of the Commission refusing your application, was transmitted to the Secretary of the Interior. Up to the present time the Commission has not been advised of any departmental action taken therein. As soon as the Commission is informed of the decision of the Secretary you will be duly notified thereof.

Respectfully,



Chairman.

N O R 6016

COPY

Muskogee, Indian Territory, April 7, 1904. 15

Lawrence A. Vick,
Hoovergin, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

" No. 6016

For Identification as a Mississippi Choctaw.

JUL 7 1902

Name ^{Date} Lawrence A. Vick

Age 22 Blood 1/16

Post-Office Hoover, Tex.

Father: Bingham A. Vick d

Mother: ~~M. L.~~ Mintie " L

Claims through father.

See us sister.

~~My~~ Sister
Mamie Vick 19

[Signature]

6016

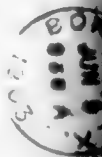
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TO THE

RECEIVED

JUL 21 1903

CHAIRMAN



RECEIVED

Choctaw MCR 6017

Nora AKins

See MCR 5993

MCR 6017

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. July 7, 1902,

K S - 6627 -

In the matter of the application of Nora Akins for
identification of herself and her four minor children, Fannie May,
Thomas L., Virgie and Susie Akins, as Mississippi Choctaws.

No attorney for applicant.

Nora Akins, after being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Nora Akins.
Q. How old are you? A. I am thirty-one years old.
Q. How much Choctaw blood have you? A. One-sixteenth.
Q. What is your post-office address? A. Curtis, Texas.
Q. In what county? A. Bartland county.
Q. How long have you lived in Texas? A. All my life.
Q. Where was you born? A. I was born in Arkansas, and lived there
until I was five years old and then moved to Texas.
Q. Is your father living? A. Yes, sir.
Q. What is his name? A. Arthur F. Vick.
Q. Is your mother living? A. No, sir.
Q. What was her name? A. Sophronia Vick.
Q. Through which parent do you claim Choctaw blood? A. My father.
Q. He has heretofore appeared before the Commission? A. Yes, sir.
Q. Through which parent did he get his Choctaw blood? A. His father.
Q. What was your father's mother's name? A. Sarah Vick.
Q. What was the name of your father's father? A. William Vick.
Q. Through which parent did William Vick get his Choctaw blood?
A. Through his father.
Q. What was his father's name? A. Stephen Vick.

Your father has offered in his case evidence of his
marriage to your mother, but it will be necessary that evi-
dence of the marriage of your father's father and mother be
submitted in one of these cases. This evidence should be
supplied in ten days, and you may determine among yourselves
which one is to furnish it.

- Q. Are you married? A. Yes, sir.
Q. Is your husband living? A. Yes, sir.
Q. What is his name? A. Wm. Akins.
Q. He has no Choctaw blood, has he? A. No, sir.

- Q. You don't make any claim for him? A. No, sir.
- Q. Have you any children living? A. I have four.
- Q. Give me their names and ages? A. Tullie May, a girl, is nine years old.
- Q. Next one? A. Thomas L.
- Q. How old is he? A. Seven years old.
- Q. Next? A. Virgie.
- Q. How old is Virgie? A. She is four.
- Q. Next one? A. Susie.
- Q. How old? A. She is seventeen months old.
- Q. Are these children all living with you? A. They are.
- Q. Are they all children of yourself and Wm. Akins? A. Yes, sir.
- Q. This application is for yourself and these four children? A. Yes, sir.
- Q. Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A. I don't know.
- Q. Is your name or the names of any of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A. I don't know.
- Q. Did you ever make application to the Choctaw tribal authorities for the enrollment of yourself or your children as citizens of the Choctaw Nation? A. No, sir.
- Q. Did you in 1896 make application for the enrollment of yourself and your minor children, to the Commission to the Five Civilized Tribes, as citizens of the Choctaw Nation under the act of Congress approved June 10, 1896? A. No, sir.
- Q. You have not, then, been admitted to Choctaw citizenship by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A. No, sir.
- Q. Has any application of any description ever been made before to-day for the purpose of establishing your right and the right of your minor children as members of the Choctaw tribe of Indians? A. No, sir.
- Q. Do you appear before the Commission to-day for the purpose of establishing the right of yourself and these four minor children to lands in the Choctaw Nation under the fourteenth article of the treaty of Dancing Rabbit Creek? A. Yes, sir.

The treaty of Dancing Rabbit Creek was entered into on the 27th day of September, 1830, in Mississippi, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of Alabama. The object of the treaty was to get these Indians to move to the new Nation west of the Mississippi River, a part of which is now occupied by the Choctaws and Chickasaws and is commonly known as the Choctaw-Chickasaw country. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to stay the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and not move west to the new Nation might receive land there in Mississippi. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the

ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bound by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Cheetaw citizen, but if they ever remove are not to be entitled to any portion of the Cheetaw annuity."

- Q. Do you understand that article now? . Yes, sir. I think I do.
- Q. Did any of your Cheetaw ancestors live in the old Cheetaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A. I don't know.
- Q. Did any of them own improvements there at that time? A. I don't know.
- Q. Did any of them within six months after the ratification of the treaty of Dancing Rabbit Creek let the agent of the Government for the Cheetaws know that they wanted to stay in Mississippi, take lands and become citizens of the States? A. Not that I knew of.
- Q. Did any of them remove to the present Cheetaw Nation at the time of the removal of the greater portion of the Cheetaws between 1833 and 1838? A. Not that I know of.
- Q. Did any of them ever claim to receive any lands or other benefits from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A. I don't know.
- Q. Then, so far as you know none of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or received any benefits thereunder? A. No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government of the United States directed an agent in Mississippi to register the names of such Cheetaws as might desire to remain in Mississippi and become citizens of the States and take lands. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay in Mississippi and become citizens of the States and take lands; and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which the Cheetaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear cases of Cheetaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their lands had been taken from them and sold by the Government. These commissioners were duly appointed and they went to Mississippi between 1837 and 1842 and heard many Cheetaw cases.

Q. Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A. I don't know.

By an act of Congress approved August 23, 1842, it was provided that in case it should be finally decided that a Choctaw had in all respects complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold, land some place else in Mississippi, Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q. Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A. I don't know.

Q. Do you know whether any of your ancestors were recognized in any way as members of the Choctaw tribe of Indians in Mississippi? I don't know.

Q. Do you know whether any of your ancestors ever complied in any way with the provisions of the fourteenth article or ever received any benefits thereunder from the Government of the United States? A. No, sir.

Q. Do you know of any old person now living who would likely know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A. No, sir.

Q. Do you know of any written evidence that would prove or tend to prove such a state of facts? A. No, sir.

Q. Have you any written evidence to offer at this time in support of your application? A. No, sir.

Q. Have you any witnesses here today you would like to present in your behalf? A. No, sir.

If you should find any witnesses whose testimony you desire taken by the Commission they may appear before us here at Muskogee within ten days from this date and their testimony will be taken. Or, if you should see fit to offer written evidence in support of your application, if you present it within ten days from this date it will receive the consideration of the Commission.

Q. Have you any further statements you wish to make at this time? A. No, sir.

Your other evidence, if you desire to offer any further, should be furnished in your case within ten days from this date.

Q. Do you desire the evidence in your case and the evidence in your father's case to be considered together by the Commission in determining your rights as a Mississippi Choctaw? A. Yes, sir.

Reference is here made to M C R 5579, Luther F. Vick, et al, the principal applicant in said case being the father of the applicant in this case.

Q. Do you speak or understand the Cheyenne language? A. No, sir.

This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She has dark hair and eyes, and a rather dark complexion. She does not speak or understand the Cheyenne language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

S. A. Apple, after being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on July 7, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in sum, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this 14th day of July, 1902.

Guy L. V. Emerson
Notary Public.

M.C.R. 6017.

COPY.

Muskogee, Indian Territory, February 18, 1903.

Nora Akins,

Curtis, Texas.

Dear Madam:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George I. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James R. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther E. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

N. A. 43.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

Jams Dixby.

Acting Chairman.

Registered.

M C R 6017

COPY

Muskogee, Indian Territory, April 7, 1904.

Nora Akins,

Curtis, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

SIGNED:

T. B. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

JUL 7 1902

Date

Name *Nora Atkins*Age *31* Blood *1/16*Post-Office, *Curtis, Texas*Father: *Luther F. Vick* LMother: *Sophronia* " d

Claims through father.

husband Wm M. Atkins L*No claim for husband.**Says 4 children*

Children:

<i>Jullie</i>	<i>Mary Atkins</i>	<i>F</i>	<i>9</i>
<i>Thomas</i>	<i>L.</i>	<i>"</i>	<i>7</i>
<i>Virgie</i>	<i>"</i>	<i>"</i>	<i>4</i>
<i>Susie</i>	<i>"</i>	<i>"</i>	<i>1</i>

Stenographer

S. A. Apple

Choctaw MCR 6018

Robert F. Lilley

by
Wm L. Manning

See MCR 5993

MCR 6018

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T. July 7, 1902.

M U - 4018 -

In the matter of the application of William W. Manning
for the identification of his half brother, Robert F. Lillay as
a Mississippi Choctaw.

No attorney.

William W. Manning, after being duly sworn, testified
as follows:

Examination by Commission.

- Q. What is your name? A. William W. Manning.
Q. How old are you? A. I am thirty-six years old.
Q. What is your post office address? A. Violet, Oklahoma.
Q. How long have you lived in Oklahoma? A. I live in the Seminole
Nation at present.
Q. How long have you lived there? A. I went there in September
last.
Q. Are you the William W. Manning who appeared before the Commission
at Muskegee on the 10th day of May last and made application
for identification of yourself and six minor children as
Mississippi Choctaws? A. Yes, sir.
Q. At that time you gave your post office address as Ada, Ind. Ter.
A. Yes, sir.
Q. You have since moved your post office? A. Yes, sir, and I
will explain why. South Canadian River is between my home
and Ada, and sometimes it would be two weeks or more that
I could not get my mail. I would have to wait till the river
was down, and one time I crossed to get my mail and the river
rose and I had to stay away from home a week before I could
cross. So I changed my post office.
Q. You appear before the Commission to-day for what purpose? A. To
make application for my half brother.
Q. What is his name? A. Robert F. Lillay.
Q. How old is he? A. He is twenty years old.
Q. How much Choctaw blood has he? A. I don't know.
Q. Have you any idea? A. No, sir, I have not.
Q. Does this boy live with you? A. Yes, sir.
Q. Has he lived with you always? A. At this time he has been living
with me about six months; he has lived with me off and on for
about three years. His mother died in 1885 and he has lived
with different members of the family since.
Q. You have contributed to the support of this child, have you?
A. Yes, sir.
Q. Do you make this application in his behalf at his request?
A. Yes, sir.

- Q. He is not married? A. No, sir.
- Q. What was the name of his father? A. Robert Lilley.
- Q. When did his father die? A. Twenty years ago. He died just before Robert F. Lilley was born.
- Q. What is his mother's name? A. Isabella Mahan.
- Q. Through which parent did Robert F. Lilley get his Choctaw blood?
- A. His mother.
- Q. About how old would his mother be if living now? A. She was 82 when she died in 1895.
- Q. What was the middle M in her name for? A. Minnie.
- Q. She was also your mother? A. Yes, sir.
- Q. Where was she born? A. In Kentucky.
- Q. Through which parent did she get her Choctaw blood? A. Her father, William Vick.
- Q. What was your mother's mother's name? A. Sarah.
- Q. Do you know how old William Vick would be if living now? A. I don't know.
- Q. Through which parent did he get his Choctaw blood? A. His father.
- Q. What his father's name? A. Stephen Vick.
- Q. What relation is this boy Robert F. Lilley to Luther F. Vick?
- A. Luther F. Vick and this boy's mother were full brother and sister.

It will be necessary that in one of the cases of the descendants of Stephen Vick and in one of the cases of the descendants of William Vick that the marriage of your mother's father and mother be proven and that the marriage of Stephen Vick and William Vick's mother be proven; ten days will be allowed in which to submit such evidence. It is not necessary that this proof be made in more than one case, and you may determine among yourselves who shall supply it.

- Q. Where was Robert F. Lilley born? A. In Texas.
- Q. How long did he live there? A. Until he was about eighteen. He has been in the Territory eight years; he lived in Texas about twelve years.
- Q. Do you appear before the Commission at this time for the purpose of establishing the right to Choctaw lands in the Choctaw Nation of your minor half brother, Robert F. Lilley? A. Yes, sir.
- Q. Do you claim such rights for him under the fourteenth article of the treaty of Dancing Rabbit Creek? A. Yes, sir.
- Q. Has this boy ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
- A. Not that I know of. I don't know.
- Q. Is his name on any of the rolls of the Choctaw Nation? A. I don't know.
- Q. Has any application ever been made to the Choctaw tribal authorities for the purpose of establishing his right to citizenship in the Choctaw Nation? A. No, sir.
- Q. Was any application ever made to this Commission in 1896 for the enrollment of the name of your minor half brother as a citizen of the Choctaw Nation under the act of Congress approved June 10, 1896? A. No, sir.
- Q. Then he has never been admitted to Choctaw citizenship by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory? A. No, sir.

- Q. Is this the first application of any description that was ever made for the purpose of establishing his rights as a Choctaw Indian? A. It is.
- Q. When you appeared before the Commission here on the 10th of May last, you were examined fully as to whether any of your ancestors ever complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, were you not?
- A. Yes, sir.
- Q. Do you know anything further now as to whether any of the ancestors of Robert F. Lilley ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek than what is disclosed by your testimony made on the 10th of May last? A. Not to my knowledge, no, sir.
- Q. You still have no knowledge as to whether any of your ancestors ever received any benefits under that article? A. I do not. I have no more knowledge than I had then.
- Q. Are there any further statements you care to make in behalf of the application of your half brother? A. I don't know as I have any more to say.
- Q. You have never heard of any of your ancestors getting any money or other benefits from the Government of the United States, have you? A. No, sir.
- Q. Did you ever hear of their getting any benefits under the fourteenth article of the treaty of Dancing Rabbit Creek? A. No, sir. Not further back than Stephen Vick.
- Q. Did you ever hear of any of them back of Stephen Vick? A. No, sir.
- Q. Have you any written evidence to submit in support of this application? A. No, sir.
- Q. Have you any other witnesses to day to testify in behalf of the application of your half brother? A. No, sir.
- Q. Do you know of any witness by whom you could show that any of the ancestors of Robert F. Lilley ever complied in any way with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits from the Government thereunder? A. No, sir.
- Q. Do you know of any written evidence that would prove or tend to prove such a state of facts? A. I do not.

In case you should find any witnesses whose testimony you would like taken by the Commission they may appear before us here in Muskogee, within ten days from to day, and their testimony will be taken. Or, if you should see fit to offer any new written evidence in support of this application, if it is filed here in ten days it will receive the consideration of the Commission.

Do you want this case considered with the others who are descendants of the same ancestor? A. Yes, sir.

Reference is made to M C R 5137, William W. Manning, and M C R 5579, Luther P. Vick, et al., the applicants in same being descendants of a common ancestor of the applicant herein.

Q. Does this boy speak or understand the Choctaw language? A. No, sir.

I, J. A. Apple, being duly sworn, depose that the above-named boy, who was produced before me in court and in my presence on July 1, 1902, and that the foregoing is a true and correct transcript of his photographic plates in case, to the best of his knowledge and ability.

J. A. Apple

Subscribed and sworn to before me this 14th day of July, 1902.

Gray L. T. Emerson
Notary Public.

Muskogee, Indian Territory, February 18, 1903.

Robert F. Lilley,
Care of M. S. Manning,
Violet, Oklahoma.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5996
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Varris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora R. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Wellie P. Wilson, James B. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Harris, Dumas C. Harris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt R. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Ohlee Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

R. V. L. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

TS10-201

Tams Birby.

Acting Chairman.

Registered.

W.O.B.

COMMISSIONERS

TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 6018

ADDRES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 7, 1904.

Robert F. Lilley,
Care Wm W. Manning,
Violet, Oklahoma.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,



Commissioner in Charge.

No. 6018

For Identification as a Mississippi Choctaw.

Date JUL 7 1902

Name Robert F. Lilley
by his half brother Wm. R. Manning.
Age 20 Blood dont know.

Post-Office, Violet, Okla.

Father: Robert Lilley d

Mother: Isarelda M. d

Claims through mother

Self only.

Children:

Stenographer

J. A. Apple



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1904



General Office

M. C. R.

6018.

Advising that the Secretary of the Interior has affirmed Commissioner's decision, refusing application for identification as a Mississippi Cheataw.

~~Robert F. Hitt,~~

~~George M. Manning,~~

~~Violet, Oklahoma.~~



Department of the Interior
Bureau of Land Management
Washington, D. C.
Penalty for postage paid

[Handwritten signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 7 1903



ORIGINAL

REGISTERED

APR 2 1903

MUSKOGEE, IND. TER.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Robert F. Lilley,
Violet, Oklahoma.

2386

Handwritten signatures and scribbles over the address.

Choctaw MCR 6019

George R. Lilley

See MCR 5993

MCR 6019

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 7, 1902.

X 5 - 6019 -

In the matter of the application of George R. Lilley for
identification as a Mississippi Choctaw.

No attorney.

George R. Lilley, after being duly sworn, testified as
follows:

Examination by Commission.

- Q. What is your name? A. George R. Lilley.
Q. How old are you? A. I am twenty-eight years old.
Q. How much Choctaw blood do you claim? A. One-sixteenth, I reckon.
Q. What is your post office address? A. Newton, I. T.
Q. How long have you lived in Indian Territory? A. About eight
years. It has been that long since I first came here.
Q. Where did you live before that time? A. In Texas.
Q. How long did you live in Texas? A. I was born and raised
there.
Q. Is your father living? A. No, sir.
Q. What is his name? A. Robert Lilley.
Q. Is your mother living? A. No, sir.
Q. What was her name? A. I. M. Lilley.
Q. What is the father? A. Isacela.
Q. Through which parent do you claim your Choctaw blood? A. My
mother.
Q. How old would your mother be if she were living now? A. Fifty
nine years old. She died about seven years ago and she was
fifty-two when she died.
Q. Seven or seventeen years since she died, which? A. Seven, she
died in 1895.
Q. Through which parent did she get her Choctaw blood? A. Her
father, William Vick.
Q. Through which parent did William Vick get his Choctaw blood?
A. His father.
Q. What was his name? A. Stephen Vick.
Q. Do you know where William Vick or Stephen Vick were born? A.
No, sir.
Q. Did either of them live in Mississippi? A. I don't know.
Q. What relation was your mother to Arthur P. Vick? A. She was a
half sister to him.

Q. A full sister to him? A. Yes, sir.

It will be necessary that evidence of the marriage of Stephen Vick and the mother of William Vick be furnished the Commission; also evidence of the marriage of William Vick and your mother's mother. You have several relatives who have appeared before the Commission and who claim under the same common ancestor. It is not necessary that this proof be furnished in all the cases, but if it is made in one it will be considered by the Commission in all. You may determine among yourselves who shall submit this proof.

Q. Are you married? A. No, sir.

Q. Have you been married? A. No, sir.

Q. You make this application for yourself alone? A. Yes, sir.

Q. Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A. I don't know.

Q. Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A. I reckon not.

Q. Did you ever make application to the tribal authorities in Indian Territory to be enrolled as a member of the Choctaw tribe of Indians? A. No, sir.

Q. Did you or did any one for you ever make application in 1896 for your enrollment as a member of the Choctaw tribe of Indians under the act of Congress approved June 10, 1896? A. No, sir.

Q. Then, you have not been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A. No, sir.

Q. Is this the first application of any kind that you have ever made for the purpose of establishing your right to lands in the Choctaw Nation as a member of the Choctaw tribe of Indians? A. Yes, sir.

Q. You appear before the Commission at this time to claim your rights in the lands of the Choctaw Nation under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A. Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama, and the object of the treaty was to get them to remove from that old Choctaw nation in Mississippi and Alabama to the new Nation west of Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw-Chickasaw country. At the time the treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to stay, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and not move west to the new Nation might receive land there in Mississippi. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six

months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. You understand that fourteenth article now, do you? A. Yes, sir. I think so.
- Q. Did any of your ancestors live in what is known as the old Choctaw Nation in Mississippi and Alabama in 1830 when that treaty was made? A. I don't know.
- Q. Did any of them own any improvements there at that time? A. I don't know.
- Q. Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the Government for the Choctaws in Mississippi know that they wanted to stay in Mississippi, become citizens of the States, and take land? A. I don't know.
- Q. Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaws between 1833 and 1838? A. I don't know.
- Q. Did any of them claim or receive any lands or benefits back in the old Nation in Mississippi from the Government under the fourteenth article of the treaty of Dancing Rabbit Creek? A. I don't know.
- Q. As far as you know, then, none of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A. Yes, sir.
- Q. You say they did comply with it? A. No, sir.
- Q. None of them as far as you know complied with it? A. Oh, no sir.
- Q. Do you know whether any of them were recognized in any manner as Choctaw Indians at the time the treaty was made? A. No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government of the United States directed an agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take lands. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay in Mississippi and become citizens of the States and take lands; and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of this treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws

who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the president of the United States, and they went down to Mississippi and heard many cases of this kind.

Q. Did any of your ancestors go before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A. Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been taken from him by the Government and sold, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q. Did any of your ancestors receive any such scrip from the Government? A. Not that I know of.

Q. You never heard of any of them getting any benefits of any kind from the Government of the United States, did you? A. No, sir.

Q. Do you know whether any of your ancestors were recognized in Mississippi in any way as Choctaw Indians, do you? A. No, sir.

Q. Do you know of any old person now living who would likely know whether any of your Choctaw ancestors ever complied in any with the fourteenth article or ever received any benefits thereunder from the Government of the United States, do you? A. No, sir.

Q. Do you know of any written evidence which would prove or tend to prove such a state of facts? A. No, sir.

Q. Have you any written evidence to submit to-day in support of your application? A. No, sir.

Q. Have you any witnesses here to-day to testify in your behalf? A. No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear before us in Muskegee within ten days from this date and their testimony will be taken. Or, if you should see fit to offer written evidence in support of your application if it is submitted within ten it will be considered by the Commission in determining your rights as a Choctaw.

Q. Have you any further statements to make at this time? A. No, sir.

Q. Do you speak or understand the Choctaw language? A. No, sir.

Q. How many brothers have you living? A. I have two own brothers and two half brothers.

- Q. What are the names of your full brothers? A. Stephen Lilley and Robert Lilley.
 Q. What are the names of your half brothers? A. Jim Lilley and Tom Lilley.
 Q. You have more than two half brothers, have you? A. I have three, two named Lilley and also William W. Manning.
 Q. Have you any full sisters? A. I have one, Mary.
 Q. Is she living? A. No, sir, she died when she was three years old.
 Q. Have you any half sisters living? A. I have two, Emma and Florence Lilley.
 Q. Are they children of your father by his former wife? A. Yes, sir.
 Q. They have no Choctaw blood, have they? A. No, sir.

Reference is made to N S R 5856, Luther P. Vick, et al., and also to N S R 5857, William W. Manning, et al., the applicants in said cases and the applicant in this case being descendants of a common ancestor.

This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He has light hair, rather fair complexion, and blue eyes. He does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

E. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on July 7, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in same, to the best of his knowledge and ability.

E. A. Apple

Subscribed and sworn to before me this 14th day of July, 1902.

Guy L. V. Emerson
 Notary Public.

COPY

Muskogee, Indian Territory, February 18, 1903.

George R. Lilley,

Newton, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 3537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora E. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William E. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordona May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Luititia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt H. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Reley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

G. R. L. § 8.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECORDED:

Tams Dixby.
Acting Chairman.

Registered.

M C R 6019

COPY.

Muskogee, Indian Territory, April 7, 1904.

George R. Lilley,

Newton, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

RECEIVED

I. B. Neel

Commissioner in Charge.

28

No. 6019

For Identification as a Mississippi Choctaw.

Name *George R. Lilley* Date *JUL 7 1902*

Age *28* Blood *1/16*

Post-Office, *Newton T. T.*

Father: *Robert Lilley d*

Mother: *Marelda M. d*

Claims through *mother*

Children:

See only.

Choctaw MCR 6020

Stephen S. Lilley

See MCR 5993

MCR 6020

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 9, 1902.

X 6 -- 6020 -

In the matter of the application of Stephen S. Lilley
for the identification of himself and his two minor children,
Cordona Jay and Emma Lilley, as Mississippi Choctaws.

No attorney for applicant.

Stephen S. Lilley, after being duly sworn, testified as
follows:

Examination by the Commission.

- Q. What is your name? A. Stephen S. Lilley.
Q. How old are you? A. I am twenty-six years old.
Q. How much Choctaw blood do you claim. A. I don't know.
Q. What is your post office address? A. Calman, Ind. Ter.
Q. In what Nation is that? A. Chickasaw Nation.
Q. How long have you lived in Indian Territory? A. Eight years.
Q. Where did you live before that? A. In Texas.
Q. How long did you live in Texas? A. I was born and raised there.
I lived there until I came to the Territory.
Q. Is your father living? A. No, sir.
Q. What was his name? A. Robert Lilley.
Q. Is your mother living? A. No, sir.
Q. What was her name? A. Isabella M. Lilley.
Q. Through which parent did you get Choctaw blood? A. My mother.
Q. Was your mother ever recognized in any manner as a member of the
Choctaw tribe of Indians? A. Not that I know of.
Q. Through which parent did she get her Choctaw blood? A. Her
father.
Q. What was his name? A. William Vick.
Q. Through which parent did William Vick get his Choctaw blood?
A. Through his father.
Q. What was his father's name? A. Stephen Vick.

It will be necessary that the Commission be furnished
with proper evidence of the marriage of your mother's father
and mother, and also of your mother's father's mother and
father. This evidence should be furnished within ten days
from this date. Several of your relatives have appeared be-
fore the Commission, and it will only be necessary that this
proof be made in one case.

- Q. Are you married? A. Yes, sir.
 Q. Is your wife living? A. Yes, sir.
 Q. Has she any Chectaw blood? A. No, sir.
 Q. You don't make any claim for her, do you? A. No, sir.
 Q. What is her name? A. Levada Lilley.
 Q. Have you any children? A. I have two.
 Q. Give me the names of your children, the older first? A. Cordena May, and Emma L.
 Q. How old is Cordena May? A. Four years old.
 Q. The other one? A. Six weeks old.
 Q. Are th ose children living with you at this time? A. Yes, sir.
 Q. They are children of yourself and Levada Lilley? A. Yes, sir.
 Q. Were you married under a license? A. Yes, sir.
 Q. Have either of you been married more than once? A. No, sir.
 Q. When were you married to your wife? A. In 1898.

It will be necessary that you furnish the Commission with proper evidence of your marriage, and ten days from this day will be allowed you for that purpose.

- Q. You can make that proof, can you? A. I have the license at home.
 Q. This application is made for yourself and your two minor children, is it? A. Yes, sir.
 Q. Is your name or the names of your children to be found upon any of the tribal rolls of the Chectaw Nation in Indian Territory? A. Not that I know of.
 Q. Did you ever make application to be enrolled as a member of the Chectaw nation to the tribal authorities in Indian Territory? A. No, sir.
 Q. Did you in the year 1896 make application for the enrollment of yourself as a member of the Chectaw tribe of Indians in accordance with the provisions of the act of Congress approved June 10, 1896? A. No, sir.
 Q. Did any one else make such application in your behalf? A. No, sir.
 Q. Then you have never been admitted to citizenship in the Chectaw nation by the Chectaw tribal authorities, the Commission to the Five Civilized Tribes, nor the United States Court in Indian Territory, have you? A. No, sir.
 Q. Has any application of any description ever made before to-day in your behalf, or for your children, for the purpose of establishing your rights in the Chectaw Nation? A. Not that I know of.
 Q. You appear before the Commission at this time for the purpose of establishing your rights as a member of the Chectaw tribe of Indians in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A. Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Chectaw tribe of Indians. At the time the treaty was made the Chectaws lived in Mississippi and along the western edge of the state of Alabama, and the object of the treaty was to get the Chectaws to remove from that old Nation to the new Chectaw nation west of Mississippi River, a

portion of which is now occupied by the Choctaws and the Chickasaws and is commonly known as the Choctaw-Chickasaw country. At the time this treaty was made many of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to stay, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi might be permitted to do so, and would be given lands there. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. You understand that fourteenth article now, do you? A. Yes, sir.
- Q. Did any of your ancestors, to your knowledge, live in Mississippi or Alabama in 1830 when this treaty was made? A. Not that I know of.
- Q. Did any of them own any improvements there at that time? A. Not that I know of.
- Q. Did any of them within six months after the ratification of the treaty of Dancing Rabbit Creek let the agent of the Government for the Choctaws in Mississippi know that they wanted to stay in Mississippi, take lands there and become citizens of the States? A. I don't know.
- Q. Did any of them remove to Indian Territory with the greater portion of the Choctaws who came west between the years 1833 and 1836? A. I don't know.
- Q. Did any of them ever claim or get any benefits from the Government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A. No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take lands. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay, become citizens of the States and take lands; and on this account the Government, at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and which they supposed they would receive

under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of the fourteenth article of this treaty and who had had their lands taken from them by the Government and sold. These commissioners were duly appointed by the President of the United States, and they went down to Mississippi between 1837 and 1845 and heard many of these Choctaw cases.

- Q. Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?
A. Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been taken from him and sold by the Government, he should be entitled to select other lands from the vacant Government lands in Mississippi, Alabama, Louisiana, or Arkansas, in the place of the lands so sold, and he should be given a certificate to that effect. These certificates were called scrips.

- Q. Did any of your ancestors receive any such scrip from the Government under that act of Congress? A. I don't know.
Q. Did any of them ever receive any benefits from the Government of the United States as Choctaw Indians under that fourteenth article? A. I don't know.
Q. Were any of your ancestors recognized in any way in Mississippi as Choctaw Indians in 1830 when that treaty was made? A. Not that I know of.
Q. Do you know of any old person now living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A. I don't know.
Q. Do you know of any written evidence which would prove or tend to prove such a state of facts? A. No, sir.
Q. Have you any written evidence of any kind you want to offer to day in support of your application? A. No, sir.
Q. Have you any witnesses to-day to testify in your behalf? A. No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear before us here at Muskegee within ten days from to-day and their testimony will be taken. Or, if you should see fit to offer written evidence in support of your application, if it is received within ten days, it will receive the consideration of the Commission.

Q. Have you any further statements you wish to make at this time?

A. No, sir.

Q. Do you speak or understand the Choctaw language? A. No, sir.

Special reference is made to N O N 3337, William W. Manning, et al., and N O N 3378, Luther F. Vick, et al., the applicants in said cases being descendants of a common ancestor to the applicant herein.

This applicant has the appearance of being a white person, and shows no indication of being descendant of Indians, or of possessing Indian blood. He has rather light hair, medium fair complexion, and blue eyes. He does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

B. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings on July 9, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in same, to the best of his knowledge and ability.

B. A. Apple

Subscribed and sworn to before me this 14th day of July, 1902.

Guy L. V. Emerson
Notary Public.

H.C.R. 6080.

Muskogee, Indian Territory, August 29, 1909.

Stephen S. Lilley,

Sahman, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th inst., enclosing original marriage license and certificate between Steve S. Lilley and Levada Mitchell, which you offer for filing in support of the application made by you for the identification of yourself and your minor children as Mississippi Choctaws.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 18, 1903.

Stephen S. Lilley,

Oakman, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary S. Reynolds,	M.C.R. 5993
Annie V. Wilson, et al.,	M.C.R. 5995
Julia I. Phillips, et al.,	M.C.R. 5994
Alvin G. Parker, et al.,	M.C.R. 5880
George L. Parker,	M.C.R. 6013
Isaac G. Farris, et al.,	M.C.R. 5997
Bertha M. Taylor, et al.,	M.C.R. 5996
William W. Manning, et al.,	M.C.R. 5537
George R. Lilley,	M.C.R. 6019
Stephen S. Lilley, et al.,	M.C.R. 6020
Robert F. Lilley,	M.C.R. 6018
Lawrence A. Vick, et al.,	M.C.R. 6016
Luther F. Vick, et al.,	M.C.R. 5879
Nora Akins, et al.,	M.C.R. 6017
Lula Akins, et al.,	M.C.R. 6003
Newton Vick,	M.C.R. 6005
Maudie Bays,	M.C.R. 6004
Turner Vick, et al.,	M.C.R. 6007
Lutitia Irons, et al.,	M.C.R. 6009
Willie Proctor, et al.,	M.C.R. 6010
Clarissa Vick,	M.C.R. 6012
Cora Petty, et al.,	M.C.R. 6011
James H. Manning, et al.,	M.C.R. 6015
Susan Kehlley,	M.C.R. 6008
Judge D. Vick, et al.,	M.C.R. 6006
Dora R. Proctor,	M.C.R. 6291
George Henry Vick, et al.,	M.C.R. 6290
Margaret L. Morris, et al.,	M.C.R. 6288
Florence B. Tillery,	M.C.R. 6289.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha B. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Manie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virginia Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James R. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

S. S. L. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with your arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

★
Respectfully,

SIGNED,

Tams Dixby.
Acting Chairman.

Registered.

Y.

Muskogee, Indian Territory, April 7, 1904.

Stephen S. Lilley,

Oakman, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

JUL 7 1902

Name Stephen D. Lilley

Age 26

Blood

don't know

Post-Office,

Oakman, I.T.

Father:

Robert Lilley

d

Mother

Marelda M. "

d

Claims through mother

Wife

Levada Lilley

L

no claim for wife

Children:

Mordeña M. Lilley

4

Emma L. "

6 wks.

For self and 2 children

A. A. Ashe

Choctaw MCR 6021

Thomas Hill

See MCR 6022, 6023

MCR 6021

205

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Hill, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Thomas Hill,	et al.,	M. C. R. 5021
Benjamin F. Hill,		M. C. R. 5022
Bessie Hunt,	et al.,	M. C. R. 5023

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of
Thomas Hill, et al.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogean, I. T., July 8, 1902.

70021.

In the matter of the application of Thomas Hill for the identification of himself and his four minor children, Gertie, John, Sallie, and Babe Hill, as Mississippi Choctaws.

Francois A. Pierce, Attorney for Applicants.

Thomas Hill after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Thomas Hill.
Q How old are you, Mr. Hill? A I am seventy-two, will be the 25th of October.
Q How much Choctaw blood have you? A One-eighth is what they say.
Q What is your post office address? A Edgewood, Texas.
Q What County? A Vanant.
Q How long have you lived in Texas? A I have been living in Texas thirty-three years.
Q Where did you live before that? A North Alabama, Lauderdale County.
Q How long did you live there? A I was born and raised there.
Q Is your father living? A No sir, he died in '61.
Q What was his name? A Hiram Hill.
Q Have any middle initial? A No sir.
Q Is your mother living? A No sir, she is dead.
Q What was her name? A Matilda Hill.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q Did you ever have a brother or sister older than you? A No sir, I am the oldest in the family.
Q Do you know how old your mother was when she married? A No sir, but I think she was 25 or 30 years old when she married.
Q Do you know the year in which she was born? A No sir, I don't.
Q She would be almost a hundred years old you think if she were living now? A She would be about, she would not be a hundred, about 80 or 90 years old; she is the oldest one of her family.
Q How old was she when you were born? A I don't know that.
Q You think she must have been twenty-five years old at the time of your birth? A Yes sir, I expect so, I was born the 25th of October, 1832.

Thomas Hill-----2

- Q That would make you sixty-nine? A No, It was in 1850, the 25th of October, 1850.
- Q What was your mother's maiden name? A Eskew, E-s-k-e-w was the way they spelled it back there.
- Q Where was your mother born? A She was born in Lauderdale County, Alabama.
- Q How long did she live there? A I don't know exactly, but she lived there until she moved to Texas, and died in Shreveport; she lived there in '70, I don't know how long she lived there.
- Q Through which one of her parents did she get her Choctaw blood? A Father.
- Q What was his name? A Aaron Eskew.
- Q How much Choctaw blood did he have? A One half.
- Q What was your mother's mother's name? A They said- I don't know what it was; but they tell me I was an eighth and that would be more than a fourth.
- Q I said what was your mother's mother's name? A Her name was Lovie Eskew.
- Q Did this man Eskew, your mother's father, have a Choctaw name? A Yes sir.
- Q What was it, his Choctaw name? A I don't know his Choctaw name, all I know his name was Aaron Eskew.
- Q Did your mother have a Choctaw name? A Not that I know of.
- Q Could she speak the Choctaw language? A O yes.
- Q You can not speak it? A No sir, I was too small.
- Q Do you know the name of Aaron Eskew's father or mother? A No sir, I don't know.
- Q Do you know whether he and Lovie were lawfully married? A O yes.
- Q How do you know? A I don't know, I suppose so.
- Q How long did they live together? A Until they died; he was a preacher and I reckon they were lawfully married.
- Q How many children were born to them? A I think about six or seven; I can call their names but I don't recollect how many.

It will be well for you to furnish the Commission with evidence of the marriage of this man Aaron Eskew and his wife, Lovie, if you possibly can do it. You will be allowed a period of fifteen days in which to offer evidence on this point.

- Q Your mother never lived in the Indian territory? A No sir.
- Q She never was recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No sir, never was.
- Q Are you married? A Yes sir.
- Q Wife living? A Yes sir.
- Q What is her name? A M. L. Hill.
- Q What is that M for? A Margaret L. Hill.
- Q Has she any Choctaw blood? A No, none at all.
- Q You make no claim for her then? A No.
- Q Have you any children living who are under age and unmarried? A Yes sir.
- Q How many? A Three.
- Q What are their names and ages? A William J.
- Q How old is William J? A About thirty-six.
- Q Under twenty-one I mean and unmarried? A No, I have got four.

Thomas Hill-----5

- Q How old is your youngest child? A Eight years old.
Q What is its name? A Gertie.
Q How old is she? A She is eight years old.
Q Now the next one? A John.
Q How old is he? A Twelve.
Q Next one? A Sallie, she is twelve too, they are twins.
Q Next one? A Babe, she is sixteen.
Q Next one? A Will, he is over twenty-one, he is thirty-six years old.
Q These four are the only children under age and unmarried are they? A Yes sir, no, they are not married.
Q This application then is for yourself and four minor children? A Yes sir.
Q Are these the children of yourself and Margaret L. Hill? A Yes sir.
Q And are living with you at this time? A Yes sir.
Q Were you married to Margaret under a license? A Yes sir.
Q When? A in '88.
Q Where? A At Florence, Lauderdale County, Alabama, I have a certificate but forgot to bring it with me.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and Margaret L. Hill, for use in connection with the application you make in behalf of your minor children. You will be allowed fifteen days time in which to offer that evidence.

- Q How many children have you who are of age? A Three.
Q What are their names? A William J. Hill, Benjamin Hill.
Q Next one? A Susie.
Q Susie what? A Susie Hunt.
Q Susie and Benjamin are here today? A Yes sir.
Q Has Benjamin been before the Commission? A No sir, never has, he was working on a building at Shreveport and fell through the house and he is not able to come.
Q Are these older children by another wife? A No sir, all by the same wife, Margaret.
Q Have you any children dead who left children? A Yes sir I have three dead.
Q Did any one of them leave children? A No sir, died when they was little fellows.
Q Is your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for yourself or these children to be admitted or enrolled as members of the Choctaw tribe? A No sir, never did that, I went to see Stanley, that was in '98 I think, at Atoka and he come here and never got around there.
Q You never did make an application to the tribal authorities? A No sir. I have brothers who have and cousins.
Q Did you in the year 1898, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June, 10, 1897? A No sir, I did not make none then, they told me they would write and let me know and I did not get there in time.

- Q Whom do you refer to as they? A Stanley at Atoka.
Q James S. Stanley? A Captain Stanley is all I know.
Q Then neither you nor any of these children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory, have you? A No sir, never have.
Q Has any application of any description ever been made before today for any of you for the purpose of establishing your rights as Choctaw Indians? A No sir, never have.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw land in the Indian Territory for yourself and four minor children under article fourteen of the treaty of Dancing Rabbit Creek, do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into between the government of the United States and the Choctaw tribe of Indians in the state of Mississippi on the 27th day of September, 1830. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the 14th article was put into the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation and not move out to the new country west of the Mississippi river might receive land back there from the government. It is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that 14th article, Mr. Hill? A Yes sir.

- Q Did any of your ancestors live in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A Well no, I don't think there was any there; I don't know that there was any lived in there but my grandfather.
- Q Now that treaty was made according to your testimony about a month before you were born? A Yes sir.
- Q Where was your mother living at that time? A She was living right close to, I was born in Lauderdale County, Alabama.
- Q How long had she been living there before you were born? A I don't know how long, she had been living there 29 or 30 years; I don't know how old she was when she married.
- Q Now, do you know whether she owned an improvement in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A No sir, I don't.
- Q Do you know whether within six months after this treaty of Dancing Rabbit Creek was ratified your mother or her father let the agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, become citizens of the states and take land? A No sir, I don't recollect anything about that.
- Q Do you know whether either of them ever received any benefits or land from the government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No sir, if they did I never heard anything about it.
- Q You would likely have heard about it if they got any land back there would you not? A Yes sir; what land he got he bought it; he had right smart money when he come there.
- Q Where did he come from? A From Louisiana, and he died right there within 8 miles of where he first settled a place.
- Q Where was he born? A Both of them born in Virginia, I think my grandmother was born in Williamson County, Virginia.
- Q You never heard of any of your people living in Mississippi, did you? A No sir, yes, he had one brother that left there and went down to Mississippi and never heard of him any more.
- Q What was his name? A John Bakow, but he never heard of him after he left.
- Q None of your people moved out to the new Nation west of the Mississippi river when the greater portion of the tribe went out between 1833 and 1836? A Not that I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay back there and become citizens of the states and take land; and on this account the government at its public land sales in Mississippi sold land in many instances upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought

to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No.

An act of Congress approved August 23rd, 1842, provided that in case it was finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government he should be entitled to select in place of the land so sold by the government land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called script.

- Q Did any of your ancestors get any of this script from the government under this act of Congress? A No.
- Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, I don't.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir I don't.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No.
- Q Any witnesses here today to testify in your behalf? A No sir.
- Q If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from today and their testimony will be taken; or any proper written evidence which should be presented in support of this application within fifteen days from today will receive the consideration of the Commission.
- Q Are there any further statements you want to make at this time in support of this application? A I have some cousins down here and brothers and an aunt living, but she don't know any more about it than I do.
- Q How many brothers have you living? A Three.
- Q What are their names? A Benjamin and John and James Hill, and a sister, Annie Stever.
- Q Have they been before the Commission? A Yes sir, I think they have.
- Q They were admitted to citizenship by the United State Court for Indian Territory, is that right? A Yes sir.

Thomas Hill

- Q Have you any brothers dead Mr. Hill? A Yes sir, I have two dead.
- Q Did either of them leave children? A No sir.
- Q Have you any sisters dead? A No, only one sister and she is living.

BY FRANCIS A. PIERCE, Attorney for applicant:

- Q The question asked you a while ago was any of them, any of your people, ever recognized by the tribal authorities or enrolled by the Choctaw tribe? A I reckon they was.
- Q I understood you to say that one had been? A Yes, that was my uncle.
- Q What was his name? A Murrell Eskew.
- Q Do you know about what time he was enrolled, about how many years ago? A No sir, I don't know exactly what time it has been, about 18 years ago I reckon since he come here.
- Q Is he living or dead? A Dead, he died down here in the Choctaw Nation close to Marietta.

BY THE COMMISSION:

- Q He was your mother's brother? A Yes sir.
- Q Any of his children living now? A O Yes, several of them living, two there at Marietta, three, and one living not far from here somewhere.
- Q What are the names of some of his children? A Bayless, Ann, and A. W. is dead, he died not far from here. And one named Julius, I can not find out where he lives, but not far from here, then he had two or three girls; one of his girls lives at Marietta.
- Q None of your relatives have appeared before the Commission as applicants for identification as Mississippi Choctaws have they? A No sir.

This applicant has the appearance of being a white man; shows no particular indication of being possessed of Indian blood, although he has dark complexion; dark eyes; his hair is almost white; he does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of his ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 6th day of July, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 15th day of July, 1902.

Guy L. Emerson

Notary Public.

copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Hill, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Thomas Hill, et al.,	M. C. R. 6021
Benjamin F. Hill,	M. C. R. 6022
Susie Hunt, et al.,	M. C. R. 6023

--- D E C I S I O N ---

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission by Thomas Hill for himself and his four minor children,
Gertie, John, Hallie and Dabe Hill; by Benjamin F. Hill for
himself; and by Susie Hunt for herself and her minor child,
Clarence Hunt, under the following provision of the act of
Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under ar-
ticle fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto and make report to the Sec-
retary of the Interior."

It also appears that all of said applicants claim
rights in the Choctaw lands under article fourteen of the treaty

between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Aaron Rakew, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898, (30 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Aaron Rakew, or an ancestor less remote, or the principal applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842,

(6 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hill, Gertie Hill, John Hill, Sallie Hill, Babe Hill, Benjamin F. Hill, Susie Hunt and Clarence Hunt as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James B. B. B.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 16 1903

COPY.

M.C.R. 6021.

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas Hill, et al., M.C.R. 6021,
Benjamin F. Hill, M.C.R. 6022,
Susie Hunt, et al., M.C.R. 6023.

These applications were made under the provision of the Act of Congress of June 23, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hill, Bertie Hill, John Hill, Sallie Hill, Babe Hill, Benjamin F. Hill, Susie Hunt and Clarence Hunt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

I. D. Needles.

Commissioner in Charge.

COPY.

M.C.R. 6021.

Muskogee, Indian Territory, January 16, 1903.

Francis A. Pierce,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 16th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas Hill, et al., M.C.R. 6021,
Benjamin F. Hill, M.C.R. 6022,
Susie Hunt, et al., M.C.R. 6023.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hill, Gertie Hill, John Hill, Sallie Hill, Babe Hill, Benjamin F. Hill, Susie Hunt and Clarence Hunt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

T. A. P. # 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 6021.

Muskogee, Indian Territory, January 16, 1903.

Thomas Hill,
Edgewood, Texas.

Dear Sir:

You are hereby advised that on the 16th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas Hill, et al., M.C.R. 6021,
Benjamin F. Hill, M.C.R. 6022,
Susie Hunt, et al., M.C.R. 6023.

These applications were made under the provision of the Act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hill, Gertie Hill, John Hill, Sallie Hill, Babe Hill, Benjamin F. Hill, Susie Hunt and Clarence Hunt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

T. H. # 2.

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

T. B. Nesbitt.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Thomas Hill, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 16, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Thomas Hill, et al., M.C.R. 6021
Benjamin F. Hill, M.C.R. 6022
Susie Hunt, et al., M.C.R. 6023.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED:

Tarns Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 6021.

Land
8473-1903.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Thomas Hill, for himself and his four minor children, Gertie, John, Sallie and Babe Hill; Benjamin F. Hill; and Susie Hunt, for herself and child Clarence Hunt, wherein a decision adverse to the applicants was rendered by the Commission on January 16, 1903.

An examination of the evidence in this case shows that Aaron Eskew and Matilda (Eskew) Hill are the Choctaw ancestors through whom the applicants in this case claim identification, it being alleged that these ancestors were citizens of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The decision of the Commission rejecting these applicants is based on the ground that its records do not

-2-

show that Aaron Eskew, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830.

A search of the records of this office has been made as to the names of Aaron Eskew and Matilda (Eskew) Hill, and it is found that they are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very Respectfully,

(signed)

A. C. TONNER

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

DEPARTMENT OF THE INTERIOR,
I. T. D. 2150-1903. WASHINGTON.

WHR.

IRS.

March 21, 1903.

The Commission

To the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 2, 1903, you transmitted the record in the matter of the application of Thomas Hill (M.C.R. 6021), Gertie Hill, John Hill, Sallie Hill, Babe Hill, Benjamin F. Hill, Susie Hunt and Clarence Hunt, for identification as Mississippi Choctaws, including your decision of January 16, 1903, adverse to the applicants.

The principal applicant, Thomas Hill, a one-eighth blood Choctaw, is the son of Hiram and Matilda Hill, both now deceased. Descent is claimed by said principal applicant through his mother, said Matilda Hill, nee Wakew, to his grandfather, one Aaron Wakew, alleged to have been a one-half blood Choctaw.

The other applicants are the children and grandchildren of said principal applicant.

From an examination of the records it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Matilda Hill, nee Wakew, or Aaron Wakew, or less remote ancestor, complied or attempted to comply with the provisions of the fourteenth article of the treaty of September 27, 1830, or with subsequent acts

relating thereto.

Reporting in the matter under date of February 20, 1903, the Acting Commissioner of Indian Affairs stated:

A search of the records of this office has been made as to the names of Aaron Ekew and Matilda (Ekew) Hill, and it is found that they are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

The Department is of the opinion, in view of the testimony submitted, that the applicants have failed to establish their rights to identification as Mississippi Choctaws, and in accordance with the Acting Commissioner's recommendation your decision is hereby affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

(signed)

THOS RYAN

1 Inclosure.

Acting Secretary.

COPY.

M.C.R. 6021

Muskogee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Thomas Hill, et al., of which decision you were advised by mail on the 16th day of January, 1903.

Respectfully,

(SIGNED)

Tamc Dixie.

Chairman.

M.C.R. 6081

COPY:

Muskogee, Indian Territory, March 30, 1903.

Francis A. Pierce,

Attorney-at-Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Thomas Hill, et al., of which decision you were advised by registered mail on the 16th day of January, 1903.

Respectfully,

Tams Bixby.

Chairman.

M.C.R. 6021

COPY:

Muskogee, Indian Territory, March 30, 1903.

Thomas Hill,

Edgewood, Texas.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Hill, et al., of which decision you were advised by registered mail on the 16th day of January, 1903.

Respectfully,

Tams Dixby.

Chairman.

Aaron Eskew ⁺
wife
Lovie Eskew

Matilda Eskew ^(dead)
mar
Hiram Hill ^(dead)

^{mcr 6021}
Thomas Hill 71-¹/₂
wife
Margaret L. Hill

Benjamin Hill ⁺
John Hill ⁺
James Hill ⁺
Annie Hill ⁺
mar
— Stover

^{mcr 6021}
Babe Hill 16
Sallie Hill 12
John Hill 12
Bertie Hill 8

^{mcr 6022}
Benjamin F. Hill 24—

^{mcr 6023}
Susie Hill 23—
mar
Jim Hunt

^{mcr 6023}
Clarence Hunt ¹

William J. Hill 36

⁺ See Choc. 5171: also 5170-5173-5174

Consolidated Case
of
Thomas Hill et al.

REFER TO M.C. 2 6021

For Identification as a Mississippi Choctaw.

Date JUL 8 1902

Name Thomas Hill

Age 71 Blood $\frac{1}{8}$

Post-Office, Edgewood, Tex.

Father: Hiram Hill d

Mother: Matilda " d

Claims through mother
wifeMargaret L. Hill L.
no claim for wife.

Children:

William J. Hill	
Babe Hill	F 16
Sallie "	Twins 12
John "	Twins 12
Gertie # "	8

For self and 4 children

Stenographer

W. H. Martin

Choctaw MCR 6022

Benjamin F. Hill

See MCR 6021

MCR 6022

Department of the Interior,
Commission to the Five Civilized Tribes.
Washoe, D. T., July 8, 1908.

70022.

In the matter of the application of Benjamin F. Hill for identification as a Mississippi Choctaw.

Francis A. Pierce, Attorney for Applicant.

Benjamin F. Hill, after being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Benjamin F. Hill.
Q How old are you? A I will be twenty-five the 8th of August.
Q How much Choctaw blood have you? A I don't know.
Q What is your post office address? A Edgewood, Texas.
Q How long have you lived in Texas? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A Thomas Hill.
Q Is your mother living? A Yes sir.
Q What is her name? A M. L. Hill.
Q What is that M for? A Margaret L. Hill.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Is the Thomas Hill who has appeared before the Commission this morning your father? A Yes sir.
Q Has he ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A Not that I know of.

It will be necessary that the Commission be furnished with evidence of the marriage of your father and mother for use in connection with the application you make at this time. Your father, who made application this morning for himself and minor children, has been requested to furnish this evidence, and if it is furnished in his case it will not be necessary that it be furnished in your case. Fifteen days time from this date will be allowed in which to offer that evidence.

- Q Through which one of his parents did your father get his Choctaw blood, father or mother? A His father I think.
Q Your father's father was an Indian, is that what you mean?
A I don't know.

Benjamin F Hill-----2

- Q Do you know the name of any one of your ancestors further back than your father? A No sir.
- Q You do not know where they lived or anything about them? A No sir.
- Q Are you married? A No sir.
- Q This application then is for yourself only? A That's all.
- Q Do you know where your father was born? A No sir.
- Q Do you know where he lived before he came to Texas? A A Alabama.
- Q Do you know how long he lived there? A No sir, I don't.
- Q Is your name on any of the Choctaw tribal rolls in the Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did anyone else ever make such an application for you to your knowledge? A No sir.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 16, 1896? A I never.
- Q You never heard then of any application ever having been made in your behalf to the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities, this Commission or the United States Court for Indian Territory, have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country, Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain back there in Mississippi and Alabama what is known as the 14th article was put into the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation in Mississippi and Alabama, and not remove out

Benjamin F Hill-----3

went might receive land back there from the government. It is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article Mr. Hill? A Yes sir.
- Q Did any of your ancestors own an improvement in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know sir, none that I know of.
- Q Did any of them live there at that time to your knowledge? A No sir.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, become citizens of the states and take land? A Not that I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know sir.
- Q Did any of them ever claim or receive any land from the government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Pa's brothers has I guess; they got theirs I guess.
- Q Where? A In the Nation.
- Q I am talking about land under this 14th article, about 72 years ago? A I don't know.
- Q You don't know whether any of your people were there on that land? A No sir.
- Q So far as you know then none of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain

Benjamin F Hill-----4

there and become citizens of the states and takeland. That Agent was down there in 1831. The records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay back there, become citizens of the states and take land. And on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complain among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners, whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were duly appointed by the president of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Do you know about that? A I never heard of it.

An act of Congress approved August 23rd, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government, he should be entitled to select in place of the land so sold by the government land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and he should be given a certificate to that effect. These certificates were called script.

- Q Did any of your ancestors ever get any of this script from the government under this act of Congress? A No sir.
- Q Do you know whether they did or not? A Not that I know of.
- Q You mean to say that if they ever did get any you never heard of it? A No, never heard anything about it.
- Q You never heard of any of your people ever receiving any benefits as Choctaws? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A No sir.
- Q Do you know any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or stand to prove such a state of facts? A No sir, I don't.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.

Benjamin P Hill-----5

Q You have no witnesses here today have you? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Mesquero within a period of fifteen days from today, and their testimony will be taken. Or if you should see fit to offer any written evidence in support of this application such proper written evidence as may be offered within fifteen days from today will receive the consideration of the Commission.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q Do you speak or understand the Cheotaw language? A No sir.

Reference is hereby made to W. S. R. 6031, Thomas Hill, et al., the principal applicant in said case being the father of this applicant.

This applicant has the appearance of being possessed of a mixture of white and Indian blood in which the white blood largely predominates; he has black hair, but his mustache is somewhat inclined to be light; he has very dark skin and dark eyes. Does not speak or understand the Cheotaw language, and has no knowledge of a compliance on the part of his ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 8th day of July, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 15 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 6022.

Muskogee, Indian Territory, January 16, 1903.

Benjamin F. Hill,

Edgewood, Texas.

Dear Sir:

You are hereby advised that on the 16th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas Hill, et al.,	M.C.R. 6021,
Benjamin F. Hill,	M.C.R. 6022,
Susie Hunt, et al.,	M.C.R. 6023.

These applications were made under the provision of the Act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hill, Gertie Hill, John Hill, Sallie Hill, Babe Hill, Benjamin F. Hill, Susie Hunt and Clarence Hunt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

B. V. H. #3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. McLean.

Commissioner in Charge.

Registered.

M.C.R. 4022

COPY.

Muskogee, Indian Territory, March 30, 1903.

Benjamin F. Hill,
Edgewood, Texas.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas Hill, et al., of which decision you were advised by registered mail on the 16th day of January, 1903.

Respectfully,

(SIGNED)

James Bixby.

No. 6022

For Identification as a Mississippi Choctaw.

Date JUL 8 1902

Name Benjamin F. Hill.

Age 24 Blood don't know

Post-Office, Edgewood, Texas.

Father: Thomas Hill L

Mother: Margaret L " L

Claims through father.

For self only.

Children:

Stenographer

W. H. Martin

Choctaw

MCR 6023

Susie Hunt

See MCR 6021

MCR 6023

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 8, 1902.

#4025.

In the matter of the application of Susie Hunt for the identification of herself and her minor child, Clarence Hunt, as Mississippi Choctaws.

Francis A. Pierce, Attorney for Applicant.

Susie Hunt after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Susie Hunt.
Q How old are you? A Twenty-four.
Q Are you the age as your brother? A No sir, I will be twenty-four my next birthday.
Q You are only twenty-three now? A Yes sir.
Q How much Choctaw blood have you? A I can't tell you.
Q What is your post-office address? A Edgewood, Texas.
Q How long have you lived in Texas? A Been living there twenty-three years.
Q All your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Thomas Hill.
Q Is your mother living? A Yes sir.
Q What is her name? A Margaret L. Hill.
Q Through which one of your parents do you get your Choctaw blood, father or mother? A Father.
Q Is the Thomas Hill who appeared before the Commission this morning your father? A Yes sir.
Q Has he ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? Yes sir.
Q Has he? Has he ever been recognized as a Choctaw Indian? A I can't tell you whether he has or not.
Q Through which one of his parents did he get his Choctaw blood, his father or mother? A His father, I don't know.
Q Do you know which one of his parents were Choctaws? A No sir.
Q You do not know the name of any one of your Choctaw ancestors then further back than your father? A No sir.

It will be necessary that proper evidence of the marriage of your father and mother be furnished the Commission. This evidence should be furnished within fifteen days. Your father,

Susie Hunt—p—2

who appeared before the Commission here this morning and made application for himself and four minor children, was requested to furnish this evidence of his marriage to your mother. If this evidence is furnished by him it will not be necessary for you to furnish the same, as it will be considered in your case.

- Q Are you married? A Yes sir.
Q Your husband living? A Yes sir.
Q What is his name? A Jim Hunt.
Q Has he any Choctaw blood? A No sir.
Q Then you make no claim for him? A No sir.
Q Have you any children? A Yes sir, one living and one dead.
Q What is the name of your living child? A Clarence.
Q This is Clarence you have with you here now? A Yes sir.
Q How old is he? A He will be two years old the 27th of October.
Q Is he the child of yourself and Jim Hunt? A Yes sir.
Q This application is for yourself and one child? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be admitted or enrolled as a member of that tribe? A No sir, never did.
Q Did anyone else ever make such an application for you to your knowledge? A No sir, not that I know of.
Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir, not that I knew of.
Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory, have you? A No sir.
Q Has any application of any kind been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory for yourself and minor child under the 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country, Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the 14th article was put into the treaty. That 14th article pre-

vided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out west to the new Nation might receive land back there from the government. It is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You think you understand that 14th article? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of.
- Q Did any of them live there in that old Nation at that time to your knowledge? A No sir not that I know of.
- Q Did any of them own an improvement there at that time, 72 years ago? A I can not tell you whether they did or not.
- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi become citizens of the states and take land? A No sir, not that I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know whether papa's people ever did or not. Some of the balance of them did.
- Q Did any of them ever claim or receive any land from the government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Some of them got some, but I don't know, I think they leased it or some way.
- Q Where, down here in the Choctaw Nation? A No sir, I don't think it is in the Choctaw Nation.
- Q I am talking about getting land back 60 or 70 years ago? A No sir, none at that time, none of papa's folks that I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records

Ernie Hunt-----4

of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there, become citizens of the state and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

An act of Congress approved on August 23rd, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called script.

- Q Did any of your ancestors ever receive any of this script from the government under this act of Congress? A Not that I know of.
- Q So far as you knew then none of your ancestors ever received any benefits as Choctaws? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830, when this treaty was made? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
- Q Any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear

Susie Hunt—5

before us here at Muskogee within fifteen days from today and their testimony will be taken; or if you should find any written evidence which you desire to offer in support of your application such proper written evidence as may be offered within fifteen days from today will receive the consideration of the Commission.

- Q Any further statements you want to make? A No sir.
Q Do you speak or understand the Choctaw language? A No sir. I never did hear any Choctaw.

Special reference is hereby made to M. O. R. 6021, the principal applicant in said case being the father of the principal applicant in this case.

This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood; she has black hair; rather dark complexion, and dark brown eyes. She does not understand or speak the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 8th day of July, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 15 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 6023.

Muskogee, Indian Territory, January 16, 1903.

Susie Hunt,
Edgewood, Texas.

Dear Madam:

You are hereby advised that on the 16th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas Hill, et al.,	M.C.R. 6021,
Benjamin F. Hill,	M.C.R. 6022,
Susie Hunt, et al.,	M.C.R. 6023.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hill, Gertie Hill, John Hill, Sallie Hill, Babe Hill, Benjamin F. Hill, Susie Hunt and Clarence Hunt as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

S. X. 42.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles,
Commissioner in Charge.

Registered.

K.C.R. 6023

COPY:

Muskogee, Indian Territory, March 30, 1903.

Susie Hunt,

Edgewood, Texas.

Dear Madam:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Thomas Hill, et al., of which decision you were advised by registered mail on the 16th day of January, 1903.

Respectfully,

James B. Birney
Chairman.

No. 6023 --

For Identification as a Mississippi Choctaw.

JUL 8 1902

^{Date}
Name Susie Hunt

Age ~~22~~ 23 Blood dont know

Post-Office, Edgewood, Texas.

Father: Thomas Hill. L

Mother: Margaret L " L

Claims through father
husband Jim Hunt L

No claim for him.

Children:

Clarence Hunt 1

Forself and one child

Photographer

W. H. Martin

Choctaw MCR 6024

Virginia E. Grant

See MCR 6002

MCR 6024

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 8, 1908.

#0084.

In the matter of the application of Virginia E. Grant for
identification as a Mississippi Choctaw.

Virginia E. Grant, after being first duly sworn, testi-
fies as follows:

Examination by the Commission.

- Q What is your name? A Virginia E. Grant.
Q How old are you? A About twenty-seven.
Q How much Choctaw blood have you? A Well, it is owing to how
much my mother had; my grandfather's mother was an Indian.
Q Did the Indian blood just come down on one side of the family?
A And I think mama's grandfather was an Indian.
Q What is your post office address? A Riceville, Arkansas.
Q How long have you lived in Arkansas? A I have been living
there since 1906.
Q Where did you live before that? A In Mississippi.
Q What county? A Holmes County.
Q Lived there all your life? A Yes sir.
Q Is your father living? A No sir, he is dead.
Q What was his name? A Julius Fells.
Q Is your mother living? A Yes sir.
Q What is her name? A Martha Fells.
Q Through which one of your parents do you get your Choctaw blood?
A My mother.
Q About how old is your mother? A She is about sixty.
Q Did she live in Mississippi all her life? A Yes sir, she
said she was born in Mississippi.
Q Was she a slave? A I think so.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A Jesse Garland.
Q Do you know when Jesse Garland was born? A I can't tell, I
never asked her.
Q Now, was your mother his oldest child? A Yes sir.
Q The last? A Yes sir.
Q Was Jesse a slave? A Yes sir, he was a slave.
Q What was your mother's mother's name? A Millie Garland.
Q Did she have Choctaw blood? A I think I heard my mother say
she had Choctaw blood.

Virginia E Grant-----3

- Q But you don't know whether she had or not? A I would not like to say because I don't know whether she did or not.
- Q Did Jesse live in Mississippi at his life, your grandfather? A Yes sir, I suppose so.
- Q Do you know the name of his father? A His name was Jesse Garland, I heard my mother say he was.
- Q What was Jesse Garland's mother's name? A I have forgotten.
- Q Do you know how much Choctaw blood Jesse Garland had, the elder Jesse? A His mother was a Choctaw, that would make him a half, he might have been three-fourths, he was just like one, you could not tell him from an Indian.
- Q Then Jesse Garland, Sr., was a half blood Choctaw, and your grandfather was a quarter blood, your mother would then have been an eighth, and you would be one-sixteenth, would you not? A Jesse Garland's mother was an Indian but I can't say that his father was; his mother was an Indian, and he was just like an Indian, you could not tell him from an Indian.
- Q As I understand it your grandfather was named Jesse Garland? A Yes sir.
- Q And his father was named Jesse Garland? A Yes sir.
- Q And the mother of Jesse Garland Sr., the mother of your great grandfather, was a full blood Choctaw? A Yes sir, mother says she was whole Indian, she died before I was born.
- Q What was her name? A I heard my mother say often.
- Q I want you to tell if you know? A I did know, but I am afraid I would make a mistake.
- Q What do you think it was? A I know it was not Millie, because my grandfather's mother died before I was born; I always heard my mother say she was full blood Indian, but I never heard her call her name.
- Q Do you know what your mother's father and mother were lawfully married? A I suppose so, yes sir.
- Q Do you know that now? A Mama said they were, they were slaves I suppose, I suppose they married according to--
- Q According to what? A What did you say?
- Q Were they lawfully married? A Yes sir, they were married all right.
- Q How do you know that? A My mother said they were; my grandmother was called Millie Garland and my grandfather's name was Jesse Garland.
- Q Do you know if Jesse Garland's father and mother were lawfully married? A No sir, you know it was way in slavery times.
- Q You do not know anything about it do you? A She died before I was born.
- Q You do not know anything about whether they were married lawfully or not? A Yes sir, I heard my mother say it was her grandfather and grandmother, I suppose they had to be. I did not know I had to give my great grandmother's name.
- Q Your mother appeared before the Commission at Meridian, Mississippi last April, did she? A Yes sir.
- Q Was your mother ever in the Indian Territory? A No sir.
- Q She was then never recognised or enrolled as a member of the Choctaw tribe out here, but she has always been in Mississippi? A Yes, she has always been in Mississippi.
- Q I say your mother never was recognised or enrolled as a member of the Choctaw tribe out here in the Indian Territory?

Virginia M Grant-----1

- Q She said she was a Choctaw.
- Q That is not answering my question at all. I say your mother was never recognized in any manner as a member of the Choctaw tribe of Indians out here in the Territory, was she? A I can not say whether she was recognized as a Choctaw out here.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Thomas F. Grant.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q Have you any children? A No sir.
- Q This application is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in the Indian Territory? A My name is, I can't say positively about that.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you make application to this Commission in the year 1896 for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I did not make any application; I did not know the children had to be on it; I thought just the mother.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, this Commission or the United States Court in for the Indian Territory? A I would not say I was not a citizen, the Choctaws lived there in the east part of the state.
- Q You understand what I am talking about? A Yes sir.
- Q Then why don't you answer my question direct. I say you have never been admitted to citizenship in the Choctaw Nation in this Territory by the Choctaw tribal authorities, this Commission or the United States Court for Indian Territory? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir, I wrote the department of the Interior asking about it and they told me I would have to write here to find out about it.
- Q You have never made any application before today? A No sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27th, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were un-

willing to leave the old Nation and for the benefit of those who remained back there what is known as the 14th article was put into the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation might receive land from the government. It is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of six one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article? A Yes sir, I read it.
- Q Did any of your Choctaw ancestors live there in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made, 72 years ago? A Yes sir, my grandfather was born out there.
- Q Your grandfather, Jesse Garland, lived there, did he? A Yes sir, that's what I have heard my mother say; she always spoke about her grandmother being Choctaw Indian.
- Q Her grandmother or grandfather? A Grandpa Jesse's mother would be her grandmother, her mother was called Millie Garland; grandpa Jesse's mother was an Indian; grandpa Jesse you couldn't tell him from an Indian.
- Q You testified a while ago that your great grandfather was also named Jesse Garland, and that his mother was a full blood Choctaw woman, which is right? A I did not aim to tell you that; I told you that grandpa Jesse's father was named Jesse Garland, and Grandpa Jesse's mother was an Indian, that's the way I aimed to tell you, grandpa Jesse's mother was an Indian, and she would be my mother's grandmother, and she said her grandmother was a full blood Indian and that would make grandpa Jesse,-- I can't say how much Indian blood, but I suppose a half. If I said grandpa Jesse's father's wife was an Indian I didn't mean to say that; but grandpa Jesse's mother was an Indian.
- Q That would make you one-eighth instead of one-sixteenth according to your testimony now? A That's the way it was, her grandmother was a full blood Indian.
- Q Now, what one of your Choctaw ancestors was living in the old Nation in Mississippi and Alabama in the year 1830, and was the head of a family there at that time? A I told you grandpa Jesse's mother, I don't know her name.
- Q She was there and was the head of a family there at that time? A Yes sir, mama said she had seven children.

Virginia H Grant-----8

- Q Did any of your Choctaw ancestors own an improvement in the old Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, become citizens of the states and take land? A I can't tell.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't think they did.
- Q Did any of them ever receive or claim any land in Mississippi from the government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did you ever hear of them getting any land anywhere from the government? A I never heard of it.
- Q If then any of them ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder you never heard of it? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to remain there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These commissioners were duly appointed by the President of the United States and went down to Mississippi and heard a great many of these Choctaw cases between the years 1837 and 1845.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't suppose they did.
- Q They were slaves then were they not, in 1837 and 1842? A I can't say.

An act of Congress approved August 23rd, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, but that their

Virginia B. Grant-----2

land had been sold by the government, they should be entitled to select in place of the land so sold by the government land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called script.

- Q Did any of your Choctaw ancestors ever receive any script from the government under this act of Congress? A I have not seen any, I can't say.
- Q If any of your Choctaw ancestors ever received any benefits from the government you never heard of it? A No sir.
- Q Do you know whether any of them were ever recognized members of the Choctaw tribe of Indian in 1830, when this treaty was made? A I knew my grandmother was, because she was Choctaw Indian, my grandfather--
- Q What makes you think she was a recognized member of the Choctaw tribe at that time? A She lived there, she had to be; but my grandfather, I can't say when he left, because I did not find that out.
- Q What was the name of Millie's mother? A Melvina.
- Q What was the name of her father? A He was named Armsted, I know he was named Armsted.
- Q Were they both slaves? A I think so, slaves part of the time, but I can't say how long.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A My mother would know.
- Q You are sure she would know? A Yes sir, I suppose she would.
- Q Do you know of anyone else? A My grandmother is dead and my aunts are all dead.
- Q Do you know of anyone living? A No sir, I am trying to think.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A I did not bring any.
- Q Have you any witnesses here today? A I did not bring any witnesses.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from today and their testimony will be taken; or if you should find any written evidence which you desire to offer such proper written evidence offered within fifteen days from today will be considered by the Commission.

- Q Are there any further statements that you want to make at this time in support of your application? A You say I will have to have written evidence here in fifteen days?
- Q Yes, if you can get it within that time? A I can get it within fifteen days.
- Q Anything further that you want to say? A I don't know of anything further. I did not know that I had to have any

Virginia H Grant

- evidence; I thought my mother being identified at Meridian would make it all right with me.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you a brother by the name of William? A Yes sir.
- Q Where does he live? A In Chicago.
- Q A brother named Eugene? A Yes sir.
- Q One named Julius? A Yes sir.
- Q Sister by the name of Mary? A Yes sir.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Quintan Nicholson.
- Q Did you ever have a sister by the name of Amelia? A Yes sir.
- Q Is she living? A No sir.
- Q Was she married at the time of her death? A Yes sir.
- Q What was her husband's name? A Mark Harrington.

Special reference is hereby made to M. S. R. 5284, Martha Falls, et al., the principal applicant in said case being the mother of this applicant.

This applicant has the appearance of being possessed of Negro and either white or Indian blood, in which the Negro blood predominates; her hair is inclined to be straight; she has the features and facial expression of a Negro; she does not speak or understand the Choctaw language, and has no knowledge of the compliance on the part of any of her ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 8th day of July, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 15 day of July, 1902.

Guy L. Emerson
Notary Public.

H E E 6024

Muskogee, Indian Territory, July 23, 1902.

Virginia E. Grant,

Riceville, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of the certificate of J. M. Cook and F. M. Rose, which you offer for filing in support of the application made by you for identification as a Mississippian Chocataw. The same has been filed with the record in this case.

Yours truly,

Commissioner in charge.

M.C.R. 6024.

COPY.

Muskogee, Indian Territory, February 6, 1903.

Virginia E. Grant,

Riceville, Arkansas.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William A. Falls, et al., embracing the following applications for identification as Mississippi Choctaws:

William A. Falls, et al., M.C.R. 6002;
Virginia E. Grant, M.C.R. 6024.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William A. Falls, Arthur C. Falls and Virginia E. Grant, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

V. E. G., 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Sec-

retary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

C. R. Breckinridge.
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, March 9, 1903.

Virginia E. Grant,
Riceville, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st ultime, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw. You make certain statements regarding your Choctaw descent and ask what further "information" is needed. You also state that you have a son born to you since you made application and that you would like to make application for his identification as a Mississippi Choctaw.

In reply to your letter you are informed that the fifteen days from February 6, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 21, 1903. On February 24, 1903, the record in the case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. You will be duly notified of such action as may be taken by him. Pending action thereon by the Secretary the Commission cannot receive or consider further evidence in support of your claim.

In view of the decision of the Commission in your case,

V H G S

it is not believed that your infant child is entitled to be identified as a Mississippi Choctaw.

Respectfully,

Chairman.

X.C.R.6024.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Virginia E. Grant,

Riceville, Arkansas.

Dear Madam:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William A. Falls, et al., of which decision you were advised by registered mail on the 6th day of February, 1903 .

Respectfully,

(41110). *Tams Dixby.*
Chairman.

For Identification as a Mississippi Choctaw

Date JUL 8 1902

Name Virginia E Grant.

Age 27 Blood $\frac{1}{8}$

Post-Office, Riceville, Ark

Father: Julius Falls d

Mother: Martha " L

Claims through mother
husband

Thomas F Grant. L

No claim for husband.

Children:

Self only.

W K Martin

Choctaw - MCR 6025

Antoine Huggins

MCR 6025

IN THE MATTER OF THE APPLICATION OF ANTOINE
HUGGINS, FOR IDENTIFICATION AS A MISSISSIPPI
CHOCTAW.

TO THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner Antoine Huggins, respectfully represents that he ~~has~~ heretofore made application to this honorable Commission for identification as a Mississippi Choctaw.

He further represents that the testimony of Charles Huggins of Dallas, Texas, Frank Huggins and Douglas Adger, of Alden Station, in the state of Louisiana, are witnesses whose testimony is material to his claim. He expects to prove by them that they were well acquainted with his mother Louisa, and know that she was the child of Mary and that by general reputation and common understanding in the Huggins family Mary, his grandmother was a full blood Choctaw woman and the daughter of Chafftokechea who was also a full blood Choctaw residing in the state of Mississippi, at the time the treaty of 1830 was made. These witnesses are non-residents of the Indian Territory and Charles Huggins is a resident of Dallas in the state of Texas and Frank Huggins and Douglas Adger are residents of Alden Station, in the state of Louisiana.

Wherefore he prays that he may be permitted under the rules of this honorable Commission to take the testimony of these several witnesses upon the interrogatories herewith filed.

Antoine Huggins, says that the statements of the foregoing petition are true as he verily believes.

Sworn ~~x~~ to and subscribed before me this the _____ day
of August, 1903.

Notary Public.

Sub

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Antoine Huggins,
et al., for identification as Mississippi Choctaws, H.C.R. 6025.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 8th, 1908.

#8025.

In the matter of the application of Antoine Huggins for the identification of himself and his two minor children, Frank and Howard Huggins, as Mississippi Choctaws.

Antoine Huggins after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Antoine Huggins.
Q How old are you? A I am about thirty.
Q How much Choctaw blood have you? A About a quarter.
Q What is your post office address? A Texarkana, Arkansas.
Q How long have you lived in Arkansas? A I have not lived there over a year or two.
Q Where did you live before that? A In Louisiana, Shreveport.
Q How long did you live there? A All my life until about four years ago.
Q Is your father living? A No sir.
Q What was his name? A Frank Huggins.
Q Is your mother living? A No sir.
Q What was her name? A Louisa Huggins.
Q Through which one of your parents do you get your Choctaw blood? A Some of it from both of them.
Q Were your parents slaves? A My father was not.
Q Your mother was? A I think so, I don't know.
Q How old would your father be if he were living now? A He would be about forty.
Q Are you his oldest child? A I am his oldest child.
Q He must be more than ten years older than you are? A I don't know just how old, I know he was not very old, he would be about that I said.
Q How old would your mother be if she were living now? A She was pretty old, I expect she would be about sixty years old.
Q She was considerably older than your father? A Yes sir, my father was nothing but a boy when she married him, he was not grown.
Q What was the name of your father's father? A Prince Huggins.
Q What was the name of your father's mother? A Lydia.

Antoine Higgins—*

- Q Were they both slaves, Lydia and Eriseo? A I don't know sir.
- Q Where were they born? A I don't know where they were born, they were raised in Mississippi.
- Q What county? A I don't know about that.
- Q Which one of them had Choctaw blood? A Both of my grandparents.
- Q Both of your father's parents? A Yes sir, my grandmother was whole.
- Q Full blood Choctaw, Lydia? A Yes sir.
- Q Did she have a Choctaw name? A I don't know whether it is a Choctaw name or not, her name was Lydia, thats all the name I knew of.
- Q Do you know how old she was at the time of her death? A No sir.
- Q Have you any idea? A No sir, because I was small when she died.
- Q When did she die, about? A She died, it has been a good while.
- Q Do you know the names of her parents? A No sir, I knew her brother.
- Q What was his name? A Solomon.
- Q Is he living? A No sir.
- Q What other name did he have? A Thats all I know.
- Q Was Lydia living in 1830 when the treaty of Dancing Rabbit Creek was made, 72 years ago? A I would not say she was 72 years ago, because I was not born, I suppose she was then, I was born in '72.
- Q You were born in 1872, I am talking about 72 years ago? A Yes sir, I suppose she was.
- Q Through which one of her parents did your mother get her Choctaw blood? A From her mother.
- Q What was her name? A Her mother's name was Mary.
- Q Mary what? A I know my grandfather, she went in my grandfather's name and I don't know his name, it was Isaiah, but I don't know the other name.
- Q Do you know the names of Mary's parents? A No sir.
- Q Do you know how old Mary would be if living now? A No sir I don't.
- Q Do you know where she was born? A Alabama.
- Q What county? A Green County.
- Q How long did she live there? A I suppose all her life, I never seen her. I heard my grand mother lived there; I heard my mother say she was born and raised there.
- Q Where was your father born and raised? A He was born and raised in Mississippi.
- Q What county? A I have forgot the county now he was born in.
- Q Neither of your parents ever lived in the Indian Territory did they? A No sir.
- Q They were therefore neither of them ever recognized in any manner or enrolled as members of the Choctaw tribe here? A My father was recognized.
- Q As a member of the Choctaw tribe of Indians in the Indian Territory? A No sir, not that I know of.
- Q Are you married? A Yes sir.
- Q Wife living? A Yes sir.
- Q What is her name? A Mattie.

Antoine Huggins-----8

- Q Has she any Choctaw blood? A She claims none.
Q How much? A I don't know sir.
Q Do you know if she has any Choctaw blood? A No sir, I don't know it.
Q You do not care to make any claim for her? A No sir, because I can't state it right.
Q Have you any children? A Yes sir.
Q How many? A Two living.
Q What are their names and ages? A Frank Huggins and Howard Huggins.
Q How old is Frank? A He was born in '94, eight years old.
Q Howard? A Six.
Q Are these children living with you at this time? A Yes sir.
Q Yes sir.
Q Are they both the children of yourself and Mattie Huggins? A Yes sir, the others are dead.
Q Have you been married more than once? A No sir.
Q Has Mattie? A No sir.
Q Were you married under a license? A Yes sir.
Q Have you the license with you? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of yourself and Mattie Huggins for use in connection with the application you make in behalf of your two minor children; this should be furnished within a period of fifteen days from today.

- Q This application is in behalf of yourself and two minor children? A Yes sir.
Q Is your name or the name of either one of these children to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be admitted or enrolled as members of that tribe? A I made application, but I don't know whether it has been fixed or not.
Q When? A About four years ago in '99.
Q Where? A At Durant, under A. R. Durant.
Q That was the Choctaw Census Commission was it not in 1899 instead of 1898? A No sir, I think it was '99; I got a copy of it at home, I ain't got it here.
Q A copy of what? A When I tried to establish my right there, and what year it was and date.
Q What was the result of your application to the Census Commissioners, they did not put your name on the rolls? A No sir, I don't think so.
Q Did they tell you why they would not do it? A Mr. Durant told me I would have to come here.
Q You have never been before the Dawes Commission before today have you? A No sir.
Q Where did you go before these Census takers, what town? A I went to Paris, Texas, and Mr. Durant met me there.
Q You did not make any formal application, you just talked to him about it? A I thought I was formal application, but it

- did not seem that I was from what he tells to me afterwards from what I can realize out of it.
- Q What did he state to you? A He said I can't do anything there; the matter would have to be taken up here with the Dawes Commission before he could do anything with it.
- Q You never have been admitted to citizenship in the Choctaw Nation then by the tribal authorities, this Commission, or the United States Court for Indian Territory? A No sir.
- Q Is this the only application of any kind that you have ever made in your behalf or in behalf of these children to establish your rights as Choctaw Indians except the one you thought you made before A. R. Durant, Chairman of the Choctaw Census Commission? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two children under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27th, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to stay there what is known as the 14th article was put into the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and become a citizen of the states might get land there from the government. It is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that 14th article? A If the move out-
- Q Do you understand that article? A No sir.

If a Choctaw who lived back in Mississippi and Alabama in the old Nation in 1830, 72 years ago, desired to stay there, become a citizen of the states and take land and not move out west to this new Nation when the greater portion of the Choctaw Tribe moved out here, he had a right to stay there and take certain land there from the government upon certain conditions. First, he was required to let the agent of the government there in Mississippi;--the government had an agent there in 1831, knew he wanted to stay there and become a citizen of the states and take land; and he was required to give that notice within six months from February 24, 1831, the date the treaty was ratified; after he let the agent of the government know he wanted to stay and become a citizen of the states he was entitled to a reservation of 640 acres of land to be bounded by sectional lines of survey; and in like manner he was entitled to one half that quantity for each unmarried child living with him over ten years of age, and to a quarter section to such child as might be under ten years of age, to adjoin the location of the parent. This land was in Mississippi and Alabama, and these reservations were in each instance required to include the improvement of the head of the family as it existed on September 27th, 1830, the date the treaty was made. Now, if these Indians lived on that land intending to become citizens of the states for five years after the ratification of this treaty, that is five years after February 24th, 1831, they were entitled to a grant in fee simple covering the land; that is, the government would give them a deed or patent to the land, and it would become the property of the Indian to dispose of at his own pleasure. Now, the concluding clause of that 14th article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity". That is if a man stayed there and took land under this 14th article in 1830 and did not move out west when the tribe moved out here, he should not by reason of having taken land there under this 14th article lose the privilege of a Choctaw citizen, but if he ever removed out here later he was not entitled to any portion of the Choctaw annuity.

- Q Do you understand that now? A Yes sir.
- Q Did any of your Choctaw ancestors own an improvement in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A No sir, I don't think so.
- Q Did any of them live there at that time? A My mother's mother lived there, she is in Alabama now if she ain't dead.
- Q That is Mary? A Yes sir.
- Q Did any of the rest of your family live there at that time? A No sir, I don't think so.
- Q Do you know whether any of your Choctaw ancestors who might have been living in the old Nation in Mississippi and Alabama in 1830 when this treaty was made let the agent of the government know that they wanted to stay there become citizens of the states and take land within six months after the ratification of the treaty? A I don't know I am sure.
- Q Do you know whether any of them ever claimed or received any land from the government of the United States under this 14th article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Never heard of any of them getting any land from the government did you? A No sir.

Antoine Huggins-----8

- Q Did any of them move out west to the new Nation when the greater portion of the tribe moved out here between the years 1835 and 1838? A No sir.

In Accordance with the provisions of this 14th article of of the treaty of Dancing Rabbit creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners, whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaws cases between the years 1837 and 1845.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, they did not appear; I heard my father say once that he was going to, and he died or got killed, he died just the same.
- Q These Commissioners were down there between 60 and 70 years ago in Mississippi, you understand? A Yes sir, that was after I was born that I heard him say he was going to establish a claim somewhere. I don't know where it was.
- Q You don't know of any of your ancestors who might have been living back there 60 or 70 years ago appearing before these Commissioners? A No sir.

An act of Congress approved August 23rd, 1843, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any scrip from the government under this act of Congress? A No sir.
- Q You are sure of that? A I ain't sure of it, but if they did I never heard of it.

Antoine Huggins—7

- Q Do you know of any person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 10th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts, that they complied with that treaty provision or ever received any benefits under it? A No sir.
- Q Have you any witnesses here today? A No sir.
- Q Have you any written evidence to offer? (Applicant presents a paper)
- Q Do you live in Texarkana, Arkansas, or Texas? A Texarkana, Arkansas.
- Q Who is Preston Kyle, whose affidavit you submit here? A He is a fellow that lives down there that know my pa and know when he was born.
- Q Is he any kin to you? A No sir.
- Q Has he any interest in the result of your application? A No Sir.
- Q Who is Charley Jordan, whose affidavit you submit here? A He is a school boy that went to school with me and lived with us all the time.
- Q No kin to you? A No sir.
- Q Has he any interest in the result of your application? A No sir.

The affidavits of Antoine Huggins, Preston Kyle, Mattie Huggins and Charley Jordan, are offered in evidence, identified as Exhibits "A", "B", "C", and "D", filed and made a part of the records in this case.

- Q That is all the written evidence you have? A Yes sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from today and their testimony will be taken. Or if you should see fit to offer any further written evidence, such proper written evidence as may be offered within fifteen days from today will receive the consideration of the Commission.

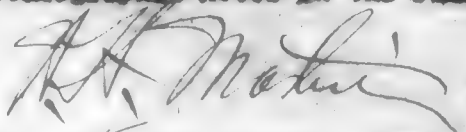
- Q Any further statements you want to make? A No sir.
- Q You do not speak or understand the Choctaw language? A No sir. I don't speak it; I used to speak it but I can't now.
- Q Have you any brothers living? A Yes sir, I have two brothers and one sister.
- Q Full brothers? A No sir.
- Q Same father? A No sir.
- Q Same mother? A Yes sir.
- Q Your sister has the same father and different mother? A No my sister has the same father and mother.
- Q What are the names of your brothers? A My brother goes under my father's name, but he is not my father's son, Charles Huggins, and one named Frank Huggins.

Antoine Huggins-----8.

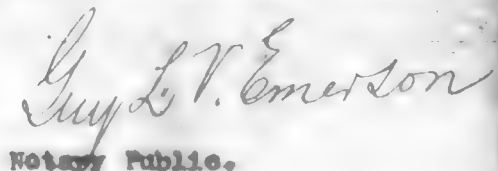
- Q What was their father's name? A Dick something.
Q You do not know his other name? A No sir.
Q Has he any Choctaw blood? A I can't swear to it.
Q Have these brothers of yours been before the Commission? A No sir. My sister has never been either.
Q What is her name? A Luella Brown; Huggins is her name but she married a fellow named Sumpter Brown.
Q Has your mother any brothers or sisters living? A Yes sir, in Alabama she has.
Q What are their names? A I don't know them all, my brother knew them.
Q No sir, he has been there with them.
Q Has your father any brothers or sisters living? A Yes sir, he has a brother and a sister.
Q What are their names? A Jake Huggins, and one named Priscilla, she married a fellow named George Davis.
Q Have they been before the Commission? A I don't think they has, I ain't seen them in three years.
Q Has your father any brothers or sisters dead? A Yes sir.
Q Any of them leave children? A No sir, I don't think so.

This applicant has the appearance of being a full blood Negro; shows no indication of being possessed of Indian blood; does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 8th day of July, 1902, and that all the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.



Subscribed and sworn to before me this 15 day of July, 1902.



Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.

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In the matter of the application of Antoine Huggins for the identification of himself and his two minor children, Frank and Howard Huggins, as Mississippi Choctaws.

ADDITIONAL PROCEDURE had in this cause at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, August 6, 1903.

In accordance with instructions contained in departmental letter of June 23, 1903, remanding this case for further action, the principal applicant, Antoine Huggins, was, on July 13, 1903, advised that he would be allowed thirty days from that date within which to present the testimony of such witnesses as he might desire in support of his application, and that up to and inclusive of August 13, 1903, the Commission would receive for consideration such documentary evidence as might be offered in support of the application.

Principal applicant, Antoine Huggins;
APPEARANCES: W. M. Cravens, attorney for applicants.
No appearance made on behalf of the Choctaw and Chickasaw Nations.

Antoine Huggins, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Antoine Huggins.
Q How old are you? A About thirty-two.
Q Are you the identical Antoine Huggins who has heretofore applied to this Commission for identification as a Mississippi Choctaw?
A Yes sir.
Q What is your present post office address? A Texarkana, Arkansas.

Examination by W. M. Cravens:

Q What was your mother's name? A Louisa.
Q Is she dead or alive? A She's dead.
Q What was your grandmother's name, do you know? A Yes sir? Mary.
Q Did you ever see Mary--your mother's mother? A I have seen her, but I couldn't remember her now.
Q Seen her, but have no recollection? A No sir.

Antoine Huggins-----2

- Q Is she dead or alive? A She was living fifteen years ago.
- Q Mary was? A Yes sir, but I couldn't tell you anything more about her now.
- Q Your mother is dead? A Yes sir.
- Q Do you know what the general understanding was in the family of your mother as to who your grandmother's father was,--your great grandfather? A Great-grandfather on my mother's side?
- Q Yes? A Well, my understanding was from her--my mother--that Chaf-fa-to-ke-cha was her grandfather.
- Q Your mother's grandfather? A Yes sir.
- Q That was the common understanding--general reputation in the family, that he was your grandmother's father? A He was my grandmother's father.

By the Commission:

- Q You say your mother's mother's name was Mary? A Yes sir.
- Q Is it through her you claim your right to be identified as a Mississippi Choctaw? A I claim on both sides.
- Q When did you last see your mother's mother? A When did I last see my mother's mother?
- Q Yes? A I haven't seen her since I was a little fellow.
- Q Where was that you last saw her? A In Alabama.
- Q About how old were you then? A Oh about - - - I don't know sir, exactly about how old I was at that time.
- Q Well, how big a man was you? A Well, I couldn't have been more than five or six years old.
- Q How old a woman was your grandmother? A I never had any judgment about how old she was.
- Q Haven't you any idea? A No sir, I haven't any idea at all. I never paid that much attention. I have seen her but don't recollect.
- Q What was her other name besides Mary? A Well, I never paid any attention to that, but I knew that her name was Mary.
- Q When did she die? A My grandmother?
- Q Yes sir? A I don't know that she's dead. If she is, I haven't had any recollection of it.
- Q When was she married? A My grandmother?
- Q Yes? A I haven't no recollection of that.
- Q Do you know her maiden name? A Mary is all I know.
- Q If your grandmother were now living would she be over seventy-five years of age? A Would she be? Yes sir.
- Q Was your grandmother married in 1830? A I couldn't tell you.
- Q Do you know whether your grandmother was the head of a family and had children in 1830? A You say do I know? Well, I couldn't tell whether she had any children or no in 1830, because I wasn't here.
- Q Do you know the names of any of the brothers and sisters of your grandmother that were possibly living in 1830? A Brothers or sisters of my grandmother?
- Q Yes sir? A No.
- Q What was the name of your grandmother's father? A Chaf-fa-to-ke-cha, is the understanding from my mother.
- Q We are talking about your grandmother? A That was the understanding from my grandmother.
- Q What was the name of your grandmother's mother? A My grandmother's mother? A I never heard them say.

Antoine Huggins-----3

- Q What was the general appearance of your grandmother? A General appearance of my grandmother? Well, the general appearance of my grandmother was Indian.
- Q Did she speak the Choctaw language? A You say could she speak it?
- Q Yes? A Well, I couldn't realize for myself that she could, but my mother said she could.
- Q Did your grandmother or her father or mother own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A My grandmother did.
- Q Where was this land located? A Somewhere near Greenville, Alabama.
- Q In what county? A I don't know sir.
- Q Do you know on what public road? A No sir.
- Q Do you know what body of water it was near? A No sir.
- Q How much land did your grandmother own? A Well, I don't know sir.
- Q Did your grandmother have a Choctaw as well as an English name? A Have a Choctaw as well as an English name? Well, I don't know.
- Q What was her Choctaw name? A I don't know sir what was her Choctaw name.
- Q Can you state the names of the persons who were living in the immediate neighborhood where your grandmother and her family lived in 1830--seventy-three years ago? A Well, I could state the names of the persons that was living there but I don't know as they would be living now.
- Q You didn't understand my question. You state that your grandmother's people owned land in Mississippi - - -I believe in Alabama? A Yes sir.
- Q I want to know the names of the people that were living right around that place in 1830? A Well, I couldn't give you the names of the people that were living there then.
- Q Do you know of any living witnesses who could testify relative to your grandmother's residence in Mississippi or Alabama in 1830, and to the fact that she owned improvements in the Choctaw Nation there at that time? A No sir, I don't know of any, not there.
- Q Who did you say the name of your grandmother's father was? A My grandmother's father?
- Q Yes sir? A Chaf-fa-to-ke-cha.
- Q How long have you known that? A I have known that for some considerable while, nearly all my life; that's what my mother says.
- Q Where was your mother born? A Well, my mother was born in the old Choctaw Nation.
- Q Whereabouts? A I think near Mississippi--Jackson, Mississippi, to my understanding.
- Q In what year was she born? A What year my mother was born? I think we got her age somewhere along about 1840 I think my mother was born.
- Q How long after your mother was born did she remain in Mississippi? A How long did she remain there? Well, I don't know myself, but from what I can understand from her she didn't stay there very long. She emigrated from there after she was about eight or ten years old to my recollection.

Antoine Huggins-----4

Q That's your mother that emigrated? A Yes sir.

Q Where was you born? A Where was I born? I was born near the line of Texas and Arkansas.

By W. M. Cravens:

Q In what state? A In the state of Arkansas near the Texas and Arkansas line.

By the Commission:

Q Is your mother living? A No sir.

Q You state that Chaf-fa-to-ke-ches was your great-grandfather?

A That was my great-grandfather.

Q Do you know the name of his wife? A No sir, I don't.

By W. M. Cravens:

Q Have you half brothers living? A Yes sir.

Q How many? A Two.

Q What are their names? A Charlie Huggins and Frank Huggins.

Q Where does Charlie Huggins live? A Dallas, Texas.

Q Is he an old man or a young man? A Young man.

Q About how old? A He's about fifty or sixty years old, to my recollection.

Q Where does Frank live? A Lives in Louisiana.

Q At what place? A Near Alden station.

Q Is he older or younger than the other one? A He's a little older.

Q Are they your mother's children or your father's children?

A They are my father's children.

Q Do you know of any other person near Alden station, beside your half brother, that's likely to know anything about your grandmother Mary and her parentage? A Yes sir.

Q Who? A Douglas Agell.

Q Where does he live? A He lives in Louisiana near Alden station. Then I have got a sister that lives down there.

Q How old is she? A She's about twenty-eight years old.

Q Then she wouldn't know as much as you do? A No sir.

By the Commission:

Q Are these brothers or half brothers? A Half brothers.

Q By your father, and marriage before his marriage with your mother? A Sir?

Q Your half brothers that you speak of--you have the same father?

A Yes sir.

Q By the woman that your father married before he married your mother? A Yes sir.

Q This Mary you speak of is your mother? A Yes sir.

Q When did your father first become acquainted with your mother--when were they married? A I couldn't tell you.

Q Where were they married? A Where were they married? Well, I couldn't tell you where they were married, but I know where they lived when I was born.

Antoine Huggins-----5

By W. M. Cravens:

I now request the Commission to authorize the applicant, Antoine Huggins, to take the depositions, according to the rules of the Commission, of Charlie Huggins, at Dallas, Texas, and Frank Huggins and Douglas Agell, at Alden station, Louisiana; and I would like the Commission to grant time to me to present interrogatories for these witnesses and give notice to the attorneys of the Choctaw Nation if I am required to do so.

By the Commission:

We will grant the time to take the depositions.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 6th day of August, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 6th day of August, 1903.



Notary Public.

COPY.

GA. 2.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Antoine Huggins, et al.,
for identification as Mississippi Choctaws, M.C.R. 5025.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Antoine Huggins for himself and his two minor children, Frank and Howard Huggins, under the following provision of the act of Congress approved June 28, 1896 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Lydia, who is alleged to have been a full blood Choctaw

Indian, and Brisco Huggins, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty, and Mary, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

It is found that the name Mary appears on pages 50, 224, 626, 629, 683, 749, 757 and 764 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 18742, and on pages 1127 and 1128 of Volume 2 of said record, in various lists, schedules and depositions. It also appears from the records in the possession of the Commission that one Mary received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek". There is nothing in the evidence submitted by the applicants which tends to show that the Mary through whom they claim is identical with any of the persons bearing that name, appearing in the records above cited.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 16, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who applied or attempted to

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comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lydia, or Briscoe Huggins, or Mary, through whom these applicants claim, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Antoine Huggins, Frank Huggins and Howard Huggins as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

James Dixby
Acting Chairman

I. B. Needles
Commissioner

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory

FEB 4 1903

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. B.

REFER IN REPLY TO THE FOLLOWING

X C R 6025

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 23, 1902.

Antoine Huggins,
Texarkana, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter without date enclosing a certified copy of the marriage record between Antoine Huggins and Mattie Jordan and certificate of H. L. Vaughan, which you offer for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,



Commissioner in charge.

Miss. Choctaw R 6025

Muskogee, Indian Territory, October 10, 1902.

Antone Huggins,
Texarkana, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 1, asking if certain affidavits and the marriage certificate of Antone Huggins and Mattie Huggins have been received, and in reply to your letter you are informed that it appears from our records that a certified copy of the marriage record of Antoine Huggins and Mattie Jordan, and the affidavits of Preston Kylen, Mattie Huggins, Antoine Huggins, Charley Jordan and H. L. Vaughan have been filed with the record in this case.

You are further advised that the Commission now has under consideration the application for identification in Mississippi Choctaws of Antoine Huggins, et al., and it is probable that a decision will be reached in the near future. As soon as a decision is rendered you will be notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 6025

Muskogee, Indian Territory, February 4, 1903.

Antoine Huggins,

Texarkana, Arkansas.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Antoine Huggins, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Antoine Huggins, Frank Huggins and Howard Huggins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Antoine Higgins,--8

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6036

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Antoine Huggins, et al., applicants for identification as Mississippi Choctaws..

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Antoine Huggins, Frank Huggins and Howard Huggins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Jame Dixby.

Acting Chairman.

Muskogee, Indian Territory, February 20, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Antoine Huggins, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1905.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED,

Tamr Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6085

Muskogee, Indian Territory, February 26, 1903.

Wm. M. Cravens,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing letter of the Commission of February 4, 1903, notifying Antoine Huggins of the refusal of his application for the identification of himself and minor children as Mississippi Choctaws. You state that Mr. Huggins did not receive said letter until the 19th instant, and ask that the Commission extend to him fifteen additional days time in which to file argument.

In reply to your letter you are informed that the fifteen days from February 4, 1903, heretofore granted the applicant in this case within which to file arguments in support of his claim to be forwarded to the Secretary of the Interior, expired on February 19, 1903. On February 20, 1903, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The applicant will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their

Wm. M. G. 2

claims to be forwarded to the Secretary of the Interior are granted under specific departmental instructions and cannot be extended.

The letter of the Commission of February 4, 1903, addressed to Antoine Huggins is herewith returned you.

Respectfully,

Chairman.

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Muskogee, Indian Territory, March 27, 1903.

Wm. M. Gravens,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, enclosing your brief together with the affidavits of Charles and Frank Huggins which you request be forwarded to the Secretary of the Interior for his consideration in connection with the record in the Mississippi Choctaw case of Antoine Huggins, et al.

You are advised that in compliance with your request said documents have this day been transmitted to the Department.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application of Antoine Huggins for the identification of himself and his two minor children as Mississippi Choctaws, the record therein, together with the decision of the Commission refusing his application, was, on February 20, 1903, transmitted to the Department.

On this date the Commission is in receipt of the brief of Wm. M. Cravens, attorney for the applicant, and the affidavits of Charles and Frank Huggins, with the request that the same be transmitted to the Department. Said brief and affidavits are therefore herewith enclosed.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

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12769-1903

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 27, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Antoine Huggins for himself and his two minor children, Frank and Howard Huggins, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from one Mary Briscoe and Lydia Huggins who, it is alleged, were Choctaw Indians and residents in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants February 4, 1903, because they had never been enrolled as citizens of the Choctaw Nation, and for the additional reason that the evidence is insufficient to establish the identity of the Mary through whom they claim with the parties of like name that appear on their records as follows:

It is found that the name of Mary appears on pages 50, 224, 626, 629, 633, 746, 787 and 764 of Volume I of the claimant's Brief and Evidence in the case of the Shoshone Nation vs. the United States before the Court of Claims No. 18745, and on pages 1127 and 1128 of volume II of said records in various lists, schedules and depositions. It also appears from the records in the possession of the Commission that one Mary received scrip as a beneficiary under article 14 of the treaty of Dancing Rabbit Creek.

An examination of the records of this office discloses the fact that the name of Mary appears among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, as follows:

Mary, child over ten of Yaneche, applicant who received scrip;

Mary, child under ten of Louis (Farver), applicant who was rejected;

Mary, deceased child over ten at date of treaty of Hiantonah, applicant who was rejected;

Mary, child of Chaffatokecha, who was rejected.

The applicant knows nothing of Mary except that she was his grandmother, and the witnesses in their affidavits fail to mention her at all. The applicant states that he thinks he would be unable to get evidence if he had the time to do so to show who this Mary was or whether she had any other name besides Mary.

There is no evidence in this case to identify the Mary through whom they claim with the Marys that appear on our records, and it is therefore respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

C.T.C.

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20,912-1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS

WASHINGTON, April 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of March 27, 1903, Land 12, 759, there is enclosed, herewith, a report from the Chairman of the Commission to the Five Civilized Tribes, forwarding the affidavits of Charles and Frank Huggins relative to the right of Antoine Huggins and his two minor children to identification as Mississippi Choctaws. Also brief of William M. Cravens, attorneys for the applicants.

Very respectfully,

A/ U. Tonner,

Acting Commissioner.

(G.A.W.)

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I.T.D. 3334-1903.
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DEPARTMENT OF THE INTERIOR

THE

WASHINGTON.

L.R.S.

June 23, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 20, 1903, you transmitted the record in the case of Antoine Huggins (M.C.R. 6025), et al., applicants for identification as Mississippi Choctaws, including your decision of February 4, 1903, refusing to identify them as such.

It seems that the principal applicant in this case, Antoine Huggins, was born in 1872, in Arkansas. He obtained his Choctaw blood from both his parents. His father, Frank Huggins, was born and raised in Mississippi. The latter was the son of Briscoe Huggins, by his Choctaw wife, Lydia. Briscoe Huggins and his wife were both residents of Mississippi.

The mother of the principal applicant was an one-half blood Choctaw named Louisa, who was born in 1842. Louis's mother was a full blood Choctaw named Mary. The latter was born in Green County, Alabama.

From the facts recited above it seems probable that the ancestors of these applicants were residents of the old Choctaw Nation in 1830, and that, at least so far as their acts were concerned, they

attempted to comply with article 14 of the treaty of 1830, by retaining their residence in the old Choctaw Nation. In this, however, as in a great majority of cases, the applicants were unable to furnish any evidence whatever to the effect that said ancestors actually signified, in so many words, or by positive acts, an intention to comply with said article. It does appear, however, from the report of the Acting Commissioner of Indian Affairs of March 27, 1903, in the matter, that there were a number of persons named Mary who complied or attempted to comply with said article 14.

In this connection your attention is directed particularly to the affidavit of Chafftokechea, which appears on pages 1127 and 1128 of Volume 2 of Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. the United States.

From said affidavit it appears that the affiant complied with said article 14 of the treaty of 1830, and that he had a daughter named Mary who was then over ten years of age, and who remained for eight years in the ceded territory, when she removed to Arkansas.

It is possible that this Mary or some one of the other persons of that name referred to by the Acting Commissioner, was identical in person with the Mary who was the ancestor of these applicants. It is therefore considered that they should be allowed additional time in which to ^{further} furnish testimony in support of their claims and to establish such identity.

The case is remanded to you for further investigation, and in advising the applicant hereof it is desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.R. 4964).

The record in the case is returned herewith, together with a copy of the Acting Commissioner's letter and affidavits submitted by the Indian Office on April 24, 1903.

Respectfully,

M. A. Hitchcock,

Secretary.

5 inclosures.

Muskogee, Indian Territory, July 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 20, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Antoine Huggins, et al., together with its decision of February 4, 1903, refusing the applications of the several applicants included therein for identification as Mississippi Choctaws.

With departmental letter of June 23, 1903, (I T D 3334-1903, 4058-1903) the record in this case was remanded for further hearing, and the Commission desires to call the attention of the Department to the fact that a copy of the Acting Commissioner of Indian Affairs' report of March 27, 1903, (Land 12,759) was not forwarded with the record.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Quakogee, Indian Territory, July 13, 1903.

Antoine Huggins,
Texarkana, Arkansas.

Dear Sir:

The Secretary of the Interior with his letter of June 23, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that you be granted further opportunity to introduce additional testimony and evidence in support of your claim.

The Secretary of the Interior in his letter states:

"It seems that the principal applicant in this case, Antoine Huggins, was born in 1872, in Arkansas. He obtained his Choctaw blood from both his parents. His father, Frank Huggins, was born and raised in Mississippi. The latter was the son of Brisco Huggins, by his Choctaw wife, Lydia. Brisco Huggins and his wife were both residents of Mississippi. The mother of the principal applicant was an one-half blood Choctaw named Louisa, who was born in 1842. Louis's mother was a full blood Choctaw named Mary. The latter was born in Green County, Alabama.

From the facts recited above it seems probable that the ancestors of these applicants were residents of the old Choctaw Nation in 1830, and that, at least so far as their acts were concerned, they attempted to comply with article 14 of the treaty of 1830, by retaining their residence in the old Choctaw Nation. In this however, as in a great majority of cases, the applicants were unable to furnish any evidence whatever to the effect that said ancestors actually signified, in so many words, or by positive acts, an intention to comply with said article. It does appear, however, from the report of the Acting Commissioner of Indian

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Affairs of March 27, 1903, in the matter, that there were a number of persons named Mary who complied or attempted to comply with said article 14. In this connection your attention is directed particularly to the affidavit of Chafftokeeha, which appears on pages 1127 and 1128 of Volume 2 of Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. the United States. From said affidavit it appears that the affiant complied with said article 14 of the treaty of 1830, and that he had a daughter named Mary who was then over ten years of age, and who remained for eight years in the ceded territory, when she removed to Arkansas.

It is possible that this Mary or some one of the other persons of that name referred to by the Acting Commissioner, was identical in person with the Mary who was the ancestor of these applicants. It is therefore considered that they should be allowed additional time in which to furnish further testimony in support of their claims and to establish such identity."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to persons whose names appear thereon, showing:

- 1st. Their description.
 - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, public road or body of water.)
 - 3rd. Their Choctaw as well as their English names.
 - 4th. The names and number of the persons who composed their families.
 - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character

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should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, August 13, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

R & R Dep
Registered

Commissioner in Charge.

Muskogee, Indian Territory, July 13, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of June 23, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the Mississippi Choctaw case of Antonio Huggins, et al., with instructions that the principal applicant be granted further opportunity to introduce additional testimony and evidence in support of his claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, August 13, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

M.C.R. 6025.

Muskogee, Indian Territory, August 10, 1903.

William M. Cravens,

Attorney-at-Law,

Muskogee, Indian Territory.

Sir:

The Commission is in receipt of the affidavit of Antoine Huggins, together with interrogatories to be propounded to Douglas Adger, Charles Huggins and Frank Huggins.

The same are, herewith, returned for the reason that no service has been made of the interrogatories upon the attorneys for the Choctaw and Chickasaw Nations as required under rules 12 and 13 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws. Before filing interrogatories with the Commission, the same should show proof of service upon said attorneys.

You will be allowed up to and inclusive of September 5, 1903 in which to file additional testimony in support of the above application.

Respectfully,

Enclosures:
J. D. #1.

Commissioner in Charge.

M.C.R. 6025,

Muskogee, Indian Territory, August 18, 1903.

William M. Kravens,

Attorney-at-Law,

Muskogee, Indian Territory.

Sir:

The Commission is in receipt of your letter of August 10th, enclosing the interrogatories to be propounded to Charles Huggins, Frank Huggins and Douglas Adger, showing proof of service upon the attorneys for the Cheataw and Chickasaw Nations.

You will kindly forward to this Commission, at your earliest convenience, the affidavit which set forth the reasons for the taking of the above depositions, which was returned to you on August 11th, so that the records herein will be complete.

Respectfully,

Commissioner in Charge.

M.C.R. 6025.

Muskogee, Indian Territory, August 13, 1903.

Wm. M. Cravens,

Attorney-at-Law,

Muskogee, Indian Territory.

Sir:

Receipt is hereby acknowledged of your communication of August 11, 1903, enclosing the affidavit of Antoine Huggins wherein he sets forth his reasons for desiring to have certain depositions taken in support of the application made for himself and minor children as Mississippi Choctaws; also interrogatories to be propounded to said witnesses, with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Antoine Huggins, et al., M.C.R. 6025, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of these depositions and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

M.C.R. 6025.

Muskogee, Indian Territory, August 15, 1903.

Wm. M. Gravens,

Attorney-at-Law,

Muskogee, Indian Territory,

Sir:

The Commission is in receipt of your letter of the 13th, inst., wherein you state that you will transmit to the Commission, at an early date, the affidavit of Antoine Higgins to replace the one sent in by you on August 11th.

You are informed that the original affidavit was returned by you and it will therefore not be necessary to secure a new affidavit.

Respectfully,

Commissioner in Charge.

K.O.R. 6025.

Muskogee, Indian Territory, August 31, 1903.

William M. Cravens,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

Enclosed please find commission to take the deposition of Douglas Adger, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Antoine Huggins, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross-interrogatories to be propounded to said witness, also caption and certificate, which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him immediately upon the completion of the taking of this deposition to return same to this Commission, in order that the application in which they are to be filed may be brought to an early as determination as possible.

Respectfully,

Enc. M-3.

Commissioner in Charge.

H.C.R. 6025.

Muskogee, Indian Territory, August 31, 1905.

William M. Cravens,

Attorney-at-Law.

Muskogee, Indian Territory.

Dear Sir:

Enclosed please find ~~commission~~ to take the deposition of Charles Huggins, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Antoine Huggins, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross-interrogatories to be propounded to said witness, also caption and certificate, which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him immediately upon the completion of the taking of this deposition to return same to this Commission, in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Ans. 1-2.

Commissioner in Charge.

N.O.R. 6025.

Muskogee, Indian Territory, August 31, 1903.

William M. Gravens,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

Enclosed please find commission to take the deposition of Frank Huggins, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Antoine Huggins, et al., pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct and cross-interrogatories to be propounded to said witness, also caption and certificate, which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him immediately upon the completion of the taking of this deposition to return same to this Commission, in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Rno. H-1.

Commissioner in Charge.

Muskogee, Indian Territory, September 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 20, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Antoine Huggins, et al., together with its decision of February 4, 1903, refusing the application made by Antoine Huggins for the identification of himself and minor children as Mississippi Choctaws.

With departmental letter of June 23, 1903 (I T D 3334, 4058-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on July 13, 1903, notified the principal applicant, Antoine Huggins, that he would be allowed up to and inclusive of Thursday, August 13, 1903, to introduce additional evidence in support of the application made by him for the identification of himself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On August 8, 1903, Antoine Huggins appeared before the Com-

mission and gave additional testimony in support of his claim.

There has also been received in support of the application of Antoine Huggins, et al., for identification as Mississippi Choctaws, the depositions of Frank Huggins, Douglas Adger and Charles Huggins.

The principal applicant has failed to show that he is a direct lineal descendant of Choctaw ancestors who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The additional proceedings in the Mississippi Choctaw case of Antoine Huggins, et al., together with the original record in the case, and papers enclosed in departmental letter of June 23, 1903, are therefore herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

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DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, February 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes, dated September 16, 1903, reporting on supplemental proceedings in the Mississippi Choctaw case of Antoine Huggins, et al. With the Departmental letter of June 23, 1903, (I.T.D. 3334, 4058-1903), the record in this case was remanded in order that the principal applicants might be granted an opportunity to introduce additional evidence.

In accordance therewith the Commission on July 13, 1903, notified the principal applicant, Antoine Huggins, that he would be allowed up to and inclusive of August 13, 1903 to introduce additional evidence in support of the application made by him for the identification of himself and his minor children as Mississippi Choctaws and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On August 6, 1903, Antoine Huggins appeared before the Commission and gave additional testimony in support of his claim. There have also been received in support of the application the depositions of Frank Huggins, Douglas Adger and Charles Huggins.

The Commission says the principal applicant has failed to show that he is a direct lineal descendant of Choctaw ancestors who complied with or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. The additional proceedings, together with the original record in the case and the papers transmitted in Departmental letter of June 23, 1903, are transmitted by the Commission.

The applicants in this case found their claims to a right to identification as Mississippi Choctaws on their descent from Mary, a daughter of Chaffa-to-ke-chea, who are alleged to have been Choctaw Indians residing in Mississippi in 1830 and duly recognized members of the Choctaw tribe. Chaffa-to-ke-chea received a reservation of land under the 19th article of the Choctaw treaty within Section 19, Township 15 North, Range 16 East, Noxubee County, Mississippi.

He applied on behalf of the children, among them Mary, for land under the 14th article of the Choctaw treaty and the application was rejected by the Commissioners and by the Department. The record relative to this case will be found in the printed volumes

of testimony in the Choctaw Nation vs. the United States, Volume 1, page 683 and Volume 2, page 1127.

The witness Antoine Huggins says his ancestor, Chaffa-to-ke-choa, lived near Greenville, Alabama, which is located in Butler County, a considerable distance from the nearest point within the Choctaw cession of 1830. Greenville, Mississippi, is in Washington County, quite remote from Noxubee County where Chaffa-to-ke-choa and his family resided.

Even though the testimony in this case clearly established the descent of these applicants from Chaffa-to-ke-choa, (which it does not) it would not avail the applicants anything because their ancestor was not a beneficiary under the 14th article of the Choctaw treaty, and they are therefore under the present laws precluded from identification as Mississippi Choctaws.

Very respectfully,

A. C. TOLNER,

Acting Commissioner.

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of testimony in the Choctaw Nation vs. the United States, Volume 1, page 683 and Volume 2, page 1127.

The witness Antoine Huggins says his ancestor, Chaffa-to-ke-chea, lived near Greenville, Alabama, which is located in Butler County, a considerable distance from the nearest point within the Choctaw cession of 1830. Greenville, Mississippi, is in Washington County, quite remote from Noxubee County where Chaffa-to-ke-chea and his family resided.

Even though the testimony in this case clearly established the descent of these applicants from Chaffa-to-ke-chea, (which it does not) it would not avail the applicants anything because their ancestor was not a beneficiary under the 14th article of the Choctaw treaty, and they are therefore under the present laws precluded from identification as Mississippi Choctaws.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

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DEPARTMENT OF THE INTERIOR.

WASHINGTON, April 26, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

September 16, 1903, you resubmitted the record in the matter of the application of Antoine Huggins (M.C.R.6025), et al., for identification as Mississippi Choctaws. Your decision of February 4, 1903, was adverse to these applicants.

The record in this case was returned to you June 23, 1903, for further investigation, to permit the applicants to show if possible that their ancestor, Mary, was identical in person with Mary, daughter of Chaffa-to-ko-choa, who apparently attempted to comply with the provisions of article 14 of the treaty of 1830, and who received a reservation under the 19th article thereof.

In resubmitting the case February 4, 1904, with the additional testimony taken in connection with the matter, the Acting Commissioner of Indian Affairs recommended that your action refusing

--2--

to identify these applicants as Mississippi Choctaws, be approved.

For the reason that the testimony furnished by the applicants fails to show that their ancestor, Mary, was identical in person with Mary, daughter of the said reservee, the Department concurs in the Acting Commissioner's recommendation. Your decision is accordingly affirmed.

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

1 inclosure

M.C.R. 6025

Muskogee, Indian Territory, May 31, 1904.

Antoine Huggins,

Farmarkana, Arkansas,

Dear Sir:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Antoine Huggins et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 31, 1904.

William M. Cravens,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Antoine Huggins et al.

Respectfully,

Chairman,

Muskogee, Indian Territory, May 31, 1904.

Manfield, McMurray & Carnish,

Attorneys For Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Antoine Huggins et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

JUL 8 1902

Date

Name Antoine Huggins

Age 30 Blood 1/4

Post-Office, Texarkana, Ark.

Father: Frank Huggins d

Mother: Louisa " d

Claims through both parents.
 wife Mattie Huggins L
 No claim for wife

For self and 2 children

Children:

Frank Huggins 8
 Howard " 6

Stenographer

W H Martin

60257

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 30 1902



ACTING CHIEF





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

11001 12000

Antoine Huggins,
Texarkana,
Ark.



After 10 days, return to

Mr. J. S. [unclear] OKLA.



Choctaw MCR 6026

Ida Hughes

See MCR 5958

MCR 6026

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 8th, 1902.

#0024.

In the matter of the application of Ida Hughes for the identification of herself as a Mississippi Choctaw.

Re Attorney.

Ida Hughes, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Ida Hughes.
Q How old are you? A Twenty.
Q How much Choctaw blood do you claim? A I could not tell. I don't know how much.
Q What is your post office address? A Comanche, Indian Territory.
Q How long have you lived in Indian Territory? A I could not tell exactly how long but about 11 years.
Q Where did you live before that? A I lived here in Muskogee. I did not stay a great while here; then lived at Enterprise and within sixteen miles of Coalgate.
Q How long have you lived in Indian Territory altogether? A I have been here since I was seven years old.
Q Where did you live before you came to the Territory? A In Arkansas.
Q Is your father living? A Yes, sir.
Q What is his name? A John F. Welton.
Q Is your mother living? A Yes.
Q What is her name? A Adaline Welton.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q Did your mother appear before the Commission here at Muskogee on the 1st day of this month? A I don't know or not. I have not seen her since I was in South McAlester.
Q Has she been here in the last ten days? A Yes, sir.
Q Through which one of her parents does she get her Choctaw blood? A Her father.
Q What is his name? A John Cooper.
Q What was the name of your mother's mother? A Rachael Vanderpool.
Q How old would John Cooper be if living now? A I could not tell.
Q You don't know how old he would be? A No, I have not seen him since I was a little bit of a thing.
Q Through which one of his parents did John Cooper get his blood? A His father.
Q What was his name? A I reckon it was John Cooper.
Q Did you ever see him? A No.
Q Do you know how old he would be if now living? A No, sir.
Q Do you know through which one of his parents he got his Choctaw blood? A No, sir. I don't know that far back.

It will be necessary that the Commission be furnished with evidence of the marriage of your mother's father and mother,

and 15 days from this date will be allowed within which to submit such evidence.

Your mother was requested to furnish evidence of this kind and in case she did so it will not be necessary to furnish it in your case as you will get the benefit of the evidence.

- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I could not tell.
- Q You don't know whether she has ever been recognized as a member of the Choctaw tribe or not? A No, sir.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes.
- Q What is his name? A Nathan C. Hughes.
- Q Has he any Choctaw blood? A I could not tell whether he has or not; if he has I don't know.
- Q You make no claim for him then? A No, sir.
- Q Have you any children? A No, sir.
- Q This application then is for yourself? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A I don't know if it is on the rolls or not.
- Q Did you ever make application to the Choctaw tribal authorities to be admitted or enrolled as a member of that tribe or did any one else make application in your behalf? A I reckon. I reckon mama did when she made application.
- Q When? A I don't know when.
- Q I am speaking now of the tribal authorities; the officers of the Indian government. Did she ever make application to them to be enrolled to your knowledge? A I could not tell.
- Q Did you or any one for you, in 1896, make application to this Commission for citizenship in the Choctaw Nation under act of June 10, 1896? A I expect they did, I could not tell.

The records of the Commission examined and the name of this applicant is not found among the list of names of persons who made application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation under act of June 10, 1896.

- Q You have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for Indian Territory? A I could not tell whether I have or not. My ma always done all the work. It is just a little over a year since I was married.
- Q Has any application of any description, to your knowledge, been made before to-day for the purpose of establishing your rights as a Choctaw Indian? A Yes, sir, there was an application made once before I was married, and papa has made applications.
- Q To whom did they make application? A I could not tell that.
- Q Where did they make it? A I could not tell that either; it has been some time ago.

The records fail to disclose that any application of any description has ever been made before to-day in behalf of this applicant for the purpose of establishing her rights as a Choctaw Indian.

- Q Do you appear before the Commission at this time for the purpose of claiming rights under Article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on September 27th, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of all the Choctaws to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw Indians and the Chickasaw Indians and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Choctaw Nation and for their benefit what is known as article fourteen was put in the treaty. That article provided, under certain conditions, that Indians who wished to stay there might receive land from the government. It is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over the age of 10 years, and a quarter section to each child under the age of ten years, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article fourteen? A I could not tell whether I understand it or not.

Well if a Choctaw who might have been living in the old Nation in Mississippi in 1830 when this treaty was made, decided that he wanted to stay there and become a citizen of the States and take land, he had the right to do so under certain conditions: First he was required to let the Agent know within 6 months of the ratification of the treaty that he wanted to stay and become a citizen of the States and take land. He was then entitled to take 340 acres of land for himself and for each child in his family over the age of ten years and unmarried he was entitled to one-half that amount or 170 acres and for each child under the age of ten years he was entitled to a quarter section of 160 acres of land. The reservations of these children were required to adjoin the location of the parent. The reservations of these children were also required by the fourteenth article to include the improvements of the head of the family as it existed on September 27th, 1830. Now

if these Indians remained on their land for five years from February 24th, 1831, the date upon which the treaty was ratified by Congress, they were entitled to a title in fee simple to the land; that is, the government would give them a deed or patent to the land and they could then dispose of it at their will or pleasure.

The concluding clause of the article is as follows:

"Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Annuities were moneys which became due each year to the Choctaws from the government of the United States under treaty provisions.

That last clause means that if an Indian decided to stay there and take advantage of Article fourteen and receive land he should not by reason of having done so forfeit his citizenship in the Choctaw Nation, Indian Territory, but if he should ever remove from there he would not be entitled to share in any of the annuities.

- Q Do you understand that fourteenth article now? A Yes, sir.
- Q Did any of your ancestors comply or attempt to comply with that fourteenth article or receive any benefits thereunder? By your ancestors I mean your fore fathers. Did they ever do what that fourteenth article required them to do? A No, sir, I don't reckon they did; not that I know of.
- Q Which one of your Choctaw ancestors were living in the old Choctaw Nation at the time this treaty was made? A I could not tell.
- Q Do you know that any of them were living there at that time? A No I don't know that they were.
- Q Do you know if any of them owned an improvement there at that time? A No, sir, I don't know that either.
- Q Do you know if any of them, within six months of the ratification of the treaty, let the Agent know that they wanted to stay and become citizens of the States? A No, sir.
- Q Do you know if any of them ever claimed or received any land from the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaws between the years 1833 and 1838? A No, sir, I don't know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay in Mississippi and become citizens of the States and take lands under this fourteenth article; and on this account the government at its public land sales in Mississippi and Alabama in many instances sold lands upon which Choctaws lived and had improve-

ments and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their lands had been sold to the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before these Commissioners and attempt to establish their rights to Choctaw lands under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir, I don't know.

An act passed August 23rd, 1842, provided that in case it was finally decided that a Choctaw had complied in all respects with Article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government he should be entitled to select land in place of that sold by the government from vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas, and should be given a certificate to that effect. These certificates were called scrip

- Q Did any of your ancestors ever receive any of this scrip under that act of Congress? A No, sir.
Q Are you sure of that? A Yes, sir, I reckon.
Q You never heard that they had? A No, sir.
Q Do you know of any old persons living who would likely know if your ancestors complied or attempted to comply with the provisions of Article fourteen of the treaty of Dancing Rabbit Creek, or received any benefits thereunder? A I could not tell you.
Q Do you know of any? A No.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A Prove what?
Q That any of your ancestors ever complied with the fourteenth article of that treaty? A No, sir.
Q Have you any evidence at this time to offer in support of your application? A No, I have not.
Q Have you any witnesses here to-day to testify in your behalf? A No.

If you find any witnesses whose testimony you desire to have taken in your behalf they can appear here within 15 days from this date for that purpose, or if you have any written evidence such proper written evidence if submitted within 15 days will receive consideration.

- Q Are there any other statements you wish to make at this time in support of your application? A No.

- 8--
- Q Do you speak or understand the Choctaw language? A No.
Q What are the names of your brothers and sisters who are unmarried and living at home? A Sam, John, Henry, Nettie, Nettie, Lula and Bealy.
Q Sam is of age is he not? A Yes, sir, he is living at home.

Special reference is hereby made to H & R 5859, the principal applicant in that case, Adaline Welton, being the mother of the applicant in this case.

Applicant has the appearance of being a white woman; shows no indication of being possessed of Indian blood; light hair and complexion; blue eyes; does not speak or understand the Choctaw language, and has no knowledge of any active compliance on the part of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 8th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 18 day of July, 1902.

Guy L. V. Emerson
Notary Public.

M.O.R. 6088

COPY

Waukegon, Indian Territory December 31, 1902

Ida Hughes,

Comanche, Indian Territory.

Dear Madam:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Adaline Welton, et al., embracing the following applications for identification as Mississippi Choctaws:

Adaline Welton, et al.	M.O.R. 5958
Sam Welton	M.O.R. 6241
Ida Hughes	M.O.R. 6088

These applications were made under the provision of the act of Congress of June 26, 1896 (54 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Adaline Welton, John Wesley Welton, Henry E. Welton, Rattie E. Welton, Rattie E. Welton, Zula E. Welton, Sealey B. Welton

Ida Hughes.—8

Sam Welton and Ida Hughes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James B. Bly

Acting Chairman,

Registered.

COPY.

M.O.R. 6026.

Muskogee, Indian Territory, August 25, 1903.

Ida Hughes,

Comanche, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Adaline Welton, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED)

Fame Bixby.

Chairman.

No. 6026

For Identification as a Mississipp Choctaw.

Date JUL 8 1902
Name Ida Hughes
Age 20 Blood dont know s.
Post-Office, Comanche, I.T.
Father: John F. Wilton L
Mother: Adaline " L

Claims through mother
husband Nathan C. Hughes L
No claim for husband

Children

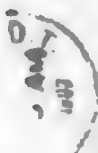
Self only

Stenographer

R. B. Eisenberg

6026

File



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 20 1903

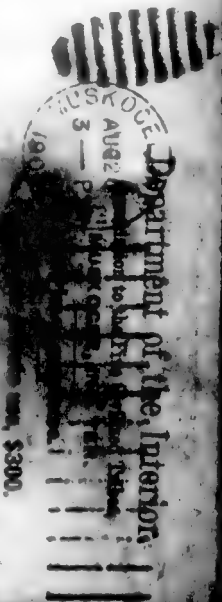
CHAIRMAN

General Office

M. C. R.

Advising that the Secretary of the Interior has affirmed Commission's decision, in re. application for identification as a Mississippi Choctaw.

Ida Hughes,



\$300.

REGISTERED
MAR 5 1903
MUSKOGEE, IND. TER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIRE CIVILIZED.

FILED

MAR 10 1903



ACTING CHAIRMAN



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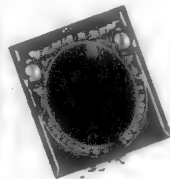
Ida Hughes,
Comanche, I. T.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Red

Choctaw MCR 6027

William M. Riddle

See MCR 6028, 6029, 6030

MCR 6027

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William M. Riddle, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:-

William M. Riddle, et al.,	M.C.R. 6027
James A. Riddle, et al.,	M.C.R. 6028
Mary E. Diamond, et al.,	M.C.R. 6029
Emily Sparks, et al.,	M.C.R. 6030

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of William M. Riddle, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Jane Wolf-----	9
Original application of James A. Riddle, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	10
Original application of Mary E. Diamond, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	17
Original application of Emily Sparks, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	23
Decision of the Commission refusing the applications in the consolidated case of William M. Riddle, et al., for identification as Mississippi Choctaws-----	28

-----0-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 9, 1902.
H.C.R. 6027.

---0---

In the matter of the application of William M. Riddle
for the identification of himself and his two minor children,
Samuel and John M. Riddle of Mississippi-Chickasaw.

---0---

Maxey & Hearty, Attorneys for Applicants, represented
by H. E. Maxey.

---0---

William M. Riddle being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William M. Riddle.
Q How old are you Mr. Riddle? A I'm about fifty eight.
Q How much Choctaw blood do you claim to have? A About half.
Q What is your post office address? A Dalton.
Q B-e-l-t-o-n? A Yes sir.
Q In what nation? A Chickasaw.
Q How long have you lived in Indian Territory? A I've lived there pretty well all my life except a few years.
Q Where were you born? A I was born in the Chickasaw Nation.
Q How long did you live in the Chickasaw Nation after your birth? Before you moved away? A I don't know exactly how long.
Q About how long? A Probably ten or twelve years or thirteen.
Q Where did you move to? A Went to Mississippi.
Q What county? A I don't recollect.
Q How long did you stay in Mississippi? A I stayed there till-- I don't know how long but my mother she went back there and died and I tried to make my way back here to the nation.
Q About how long did you stay in Mississippi? A Ten or twelve years.
Q Then you came back to the Nation did you? A Yes sir.
Q And have you been there ever since? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Tom Riddle.
Q Thomas Riddle? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q How much Choctaw blood did your mother have? A She was supposed to be about full blood.
Q Where was your mother born? A I don't know.

William M. Riddle --2.

- Q Do you know how long she lived in the Indian territory prior to your birth - before you were born - how long she lived here? A No sir I don't know.
- Q How old would your mother be if living now? A About ninety.
- Q Do you know the year in which she was born? A No sir; I never have heard her say; I never heard her say what year.
- Q Do you know the names of her parents - her father and mother? A Yes sir.
- Q What was her father's name? A Joseph Brown - they always called him Jodie.
- Q What was your mother's mother's name? A Katie.
- Q Did your mother have a Choctaw name? A I don't know.
- Q Did your mother's father have a Choctaw name? A I don't remember that.
- Q Did your mother's mother have a Choctaw name? A I don't remember that.
- Q Do you know where your mother's father and mother were born? A No sir.
- Q Did they ever live in Mississippi? A Yes sir.
- Q When? A They lived there till the Indians came to this country and then came here.
- Q Did they move out here when the Indians first moved out west? A Yes sir.
- Q Your mother came with them did she? A Yes sir.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory. A Yes sir she lived in the Indian Territory here ever since I could recollect.
- Q Was she recognized by the tribal authorities and admitted to citizenship - your mother? A I don't know about that.
- Q Was her name on the rolls - Choctaw tribal rolls? A I don't know that.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Frances.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her then? A No sir.
- Q Have you been married more than once? A No sir.
- Q Has she? A No sir.
- Q Have you any children living who are under twenty-one years of age and not married? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Sam.
- Q Samuel? A Yes sir.
- Q Has she a middle initial? A Always signed his name S.D.
- Q How old is Samuel? A He's seventeen.
- Q The next one? A The next one's name John H. Riddle.
- Q How old is he? A He's something near eighteen I reckon; maybe a little over.
- Q Which is the eldest - Samuel or John? A John.
- Q Then you think he's about eighteen? A Yes sir.
- Q Are these two children living with you? A Yes sir.
- Q Are they the children of yourself and Frances Riddle? A Yes sir.
- Q This application then is for yourself and two minor children is that right? A Yes sir.

William H. Riddle--3.

- Q Have you any children who are of age? A Yes sir.
Q How many? A Three.
Q What are their names? A Andrew Riddle.
Q The next one? A Mary Ellen Riddle.
Q Is she married? A Yes sir.
Q What's her married name? A Diamond.
Q The next one? A Emily Sparks.
Q Are these three the children of yourself and Frances?
Yes sir.
Q Have you any children dead who left children? A No sir.
Q Were you married to Frances under a license? A I don't
understand you.
Q Were you married to your wife under a license? A Yes sir.
Q Where? A In Mississippi.
Q When? A That was when I lived back there before I came
back to the Indian territory.
Q Who married you? A An old preacher by the name of Greenham.
Q Have you your marriage license with you? A No sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage between yourself and your wife Frances Riddle for use in connection with the application you make in behalf of your minor children; this evidence should be furnished within a period of fifteen days.

- Q Is your name or the name of either one of your children to be found upon any of the Choctaw tribal rolls? A I don't understand that.
Q Do you know what the tribal rolls are - the Choctaw tribal rolls? They are lists of the members of the tribe made by the Indians down there; now is your name or either one of these children's names on these rolls - if you know?
A I don't know.
Q Did you ever make application to the Choctaw tribal authorities in Indian territory for yourself or either of these children to be admitted to citizenship in the Choctaw Nation? A No sir.
Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or either of these children? A No sir.
Q Then neither you nor either one of your children have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, this Commission or the United States Court for Indian territory have you? A No sir.
Q Have you ever made any application of any kind before today for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the fourteenth article of the treaty of Dancing Rabbit Creek - is that what you are here for today? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between

William H. Riddle--4,

the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of the Indians were unwilling to leave the old nation in Mississippi and Alabama and come to the new nation Indian Territory and for the benefit of those who insisted upon being permitted to remain there, what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions the Choctaws who preferred to remain in the old nation and not move out west to the new country might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands and become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article; if you don't I will explain it to you fully? A I don't know as I do.

Well, in case a Choctaw who may have been living back there in the old Nation in Mississippi in 1830 when this treaty was made decided that he wanted to stay back there and not move out to the new nation, he had the right to have certain land reserved for him back there in the old Nation upon certain conditions. First by the treaty - by that fourteenth article he was required, within six months from the time the treaty was ratified, and the treaty was ratified February 24, 1831, to go to the agent of the government there in Mississippi and let him know that he wanted to stay there, take land under that fourteenth article and become a citizen of the state; he was then entitled to a reservation of one section of six hundred and forty acres of land or a piece of land a mile square, and for each unmarried child in his family who was over ten years of age when the treaty was made he was entitled to an additional three hundred and twenty acres and for each minor child under ten y

William H. Riddle--8.

years of age at the time the treaty was made he was entitled to a quarter section or one hundred and sixty acres; now these reservations for the children were required to adjoin his reservation and the reservations made for these Indians were required in each and every instance to include the improvement of the head of the family as it existed on September 27, 1830, the day the treaty was made. Now if the Indians lived on their land for five years from February 24, 1831, the date the treaty was ratified, he was then entitled to a grant in fee simple to the land - that is the government would give him a deed or patent to the land and the land would become his property to dispose of at his will and pleasure. The concluding clause of the fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." This Choctaw annuity is money which becomes due each year to the Choctaw Indians from the government of the United States under treaty provisions; now that last clause simply means that in case a Choctaw stayed back there in Mississippi and took land under that fourteenth article, he should not by reason of his having done so lose the privilege of a Choctaw citizen, but if he ever moved out to the new nation out west, he should not be entitled to any portion of this Choctaw annuity.

- Now I have explained to you fully the provisions of article fourteen of the treaty of Dancing Rabbit Creek; do you think you understand it now? A Yes sir.
- Q Did any of your ancestors live in the old Choctaw nation in Mississippi and Alabama in 1830 when this treaty was made? A Did they live there when this treaty was made?
- Q Yes, seventy-two years ago? A No sir, I don't think so.
- Q You don't think they lived there then? A No sir.
- Q Do you know when your people moved out to the new country?
- A I knew about when they moved here.
- Q About when was it? A They moved here in 1833.
- Q Well, where did they move from - Mississippi? A Yes sir.
- Q Were they living in Mississippi in 1830 - three years before that? A Yes sir.
- Q You think they were living there then? A I reckon so.
- Q Now which one of your Choctaw ancestors was living there in the year 1830 when this treaty was made - in the old Choctaw Nation in Mississippi and Alabama, and was head of a family at that time? A I do not know.
- Q Did any of your Choctaw ancestors to your knowledge own an improvement in what constituted the old Choctaw nation in Mississippi and Alabama in 1830 when this treaty was made?
- A No sir.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, and become citizens of the states and take land? A No sir.
- Q Did any of them ever claim or receive any land in Mississippi from the government of the United States under this fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q You are quite sure of that are you? A (No answer.)

William H. Riddle- 6.

Q Did you ever hear of their having gotten any land anywhere from the government under this treaty? A No sir.

Q I believe you stated that your mother came out west to the new country with her father and mother in the year 1830? A Yes sir.

Q And she didn't go back there then until you were a child ten or twelve years of age? A Yes sir - probably a little older.

Q In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Indians who did in fact let him know they wanted to stay and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who had claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went down to Mississippi and heard a great many of these Choctaw cases. Did any of your ancestors appear before any of these commissioners and attempt to establish their right under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Q An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi, Alabama, Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip; did any of your ancestors ever get any of this scrip from the government under this act of Congress?

A What was that for?

Q It was issued in the place of land - that is if a Choctaw proved to the satisfaction of those commissioners that he had complied with the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land sold, land some place else in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and he was given a certificate to that effect; these certificates were called scrip.

Q Did any of your people get any of this scrip back there and

William H. Riddle--7.

- that asked Congress? A Not that I know of; I never heard anything said about it.
- Q So far as you know none of your people ever received any benefits as Choctaw Indians - none of your ancestors.
- A Now my mother she had free access to the land that she lived on.
- Q Here in the nation. A Yes sir.
- Q Was your mother ever admitted to citizenship down there?
- A Where?
- Q In the Choctaw Nation - your mother during her life time, was she ever admitted to citizenship in the Choctaw Nation?
- A I suppose so; she lived there.
- Q Did she have land there? A Yes sir.
- Q Her right to hold that land was never questioned by the Indians so far as you know? A Yes sir.
- Q It was questioned - was it or not? A She held the land and lived on it.
- Q Did they ever question her right to that - ever deny her right to hold it? A No sir.
- Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Mingo Rabbit Creek or ever received any benefits under that article? A No sir.
- Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any description to offer at this time in support of your application - any papers of any kind to offer?

By Attorney, N.B. Maxey:

Yes sir we have the affidavit of James Wolf.

The affidavit of James Wolf is offered in evidence identified as Exhibit A filed and made a part of the record in this case.

- Q Who is James Wolf Mr. Riddle? A She's Jane Wolf - Squire Wolf's wife.
- Q Is she any relation to you? A No sir.
- Q Is she an Indian? A Well she's counted to be Indian.
- Q What kind of Indian - Choctaw or Chickasaw? A Choctaw I think.
- Q Has she any interest in the result of your application?
- A No.
- Q Where does she live? A She lives at Green Roads on Elm.
- Q What's her post office address? A Wiley.
- Q You have no further evidence then and no witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within ten days from today and their testimony will be taken or if you should find any written evidence that you desire to offer in support of this application such proper written evidence as may be offered

William E. Riddle--Q.

in ten days from this date will receive the consideration of the Commission.

- Q Are there any further statements you want to make? A No sir I do not know as there is.
- Q Have you any brothers living? A Not that I know of.
- Q Have you any sisters living? A Not that I know of.
- Q Did you ever have any brothers? A Yes sir.
- Q How many? A Two.
- Q Did either of them leave children at the time of their death? A Not that I know of. They all got scattered from me when I was small.
- Q Did you ever have any sisters. A Yes sir.
- Q How many? A One.
- Q Did she leave children at the time of her death? A Not that I know of.
- Q Did your mother ever have any brothers or sisters? A She had one.
- Q One brother or sister? A Brother.
- Q What was his name? A Jerry Brown.
- Q Did he leave any children? A Not that I know of; he died while I was gone and I never could find any more about him only that he died.
- Q I then the only living descendants of Joseph and Katie Brown to your knowledge are you and your family? A Yes sir.
- Q Have any of your children been before the Commission? A No sir.
- Q You don't speak or understand the Choctaw language do you?
- A No sir.

This applicant has the appearance of being a white man though his complexion and features would indicate that he might be possessed of some Indian blood; he has rather dark complexion, dark brown eyes, rather prominent cheek bones; his hair which is gray shows some traces of it having been black. He does not speak or understand the Choctaw language and has no knowledge of customs or part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cases on the 9th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this _____ day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of William M. Riddle, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

William M. Riddle et al.,	M.C.R. 6027;
James A. Riddle, et al.,	M.C.R. 6028;
Mary E. Diamond, et al.,	M.C.R. 6029;
Emily Sparks, et al.,	M.C.R. 6030.

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--- D E C I S I O N ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by William M. Riddle for himself and his two minor children, Samuel D. and John M. Riddle; by James A. Riddle for himself and his two minor children, William Robert and Claudie Allen Riddle; by Mary E. Diamond for herself and her three minor children, Johnnie William Russell, Henry Edward Diamond and Lizzie Marie Diamond; and by Emily Sparks for herself and her minor child Joseph Francis Sparks,

under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Joseph (or Jodie) Brown, and Katie (or Katie Brown), who are alleged to have been possessed of some Choctaw Indian blood, degree thereof not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 381).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

claimants thereunder, that the said Joseph (or Jodie) Brown, or Katie (or Kate Brown), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Riddle, Samuel D. Riddle, John H. Riddle, James A. Riddle, William Robert Riddle, Claude Allen Riddle, Mary E. Diamond, Johnnie William Russell, Henry Edward Diamond, Lizzie Marie Diamond, Emily Sparks and Joseph Francis Sparks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

James F. Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Brockinridge.

Commissioner.

Waukegan, Indian Territory,

DEC 30 1902

COPY

Muskogee, Indian Territory, December 20, 1902.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William M. Riddle, et al., embracing the following applications for identification as Mississippi Choctaws:

William M. Riddle, et al.,	M.C.R. 6027
James A. Riddle, et al.,	M.C.R. 6028
Mary E. Diamond, et al.,	M.C.R. 6029
Emily Sparks, et al.,	M.C.R. 6030

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 496).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Riddle, Samuel D. Riddle, John H. Riddle, James A. Riddle, William Robert Riddle, Claudie Allen Riddle, Mary E. Diamond, Johnnie William Russell, Henry Edward Diamond, Lissie Marie Diamond, Emily Sparks and Joseph Francis Sparks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the Treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamr Dixby.

Acting Chairman.

COPY

Muskogee, Indian Territory, December 30, 1902

Maney & Heard,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William M. Riddle, et al., embracing the following applications for identification as Mississippi Choctaws:

William M. Riddle, et al.,	M.C.R. 6027
James A. Riddle, et al.,	M.C.R. 6028
Mary E. Diamond, et al.,	M.C.R. 6029
Emily Sparks, et al.,	M.C.R. 6030

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Riddle, Samuel D. Riddle, John M. Riddle, James A. Riddle, William Robert Riddle, Claude Allen Riddle, Mary E. Diamond, Johnnie William Russell, Henry Edward Diamond, Lissie Marie Diamond, Emily Sparks and Joseph Francis Sparks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

-2-

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Dixby.

Acting Chairman.

Registered.

COPY.

Muskegee, Indian Territory, January 15, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William M. Riddle, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 30, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

William M. Riddle, et al.,	M.C.R. 6027
James A. Riddle, et al.,	M.C.R. 6028
Mary E. Diamond, et al.,	M.C.R. 6029
Emily Sparks, et al.,	M.C.R. 6030

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,
(SIGNED).

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 6027

T. B. Needles.

Commissioner in Charge.

COPY

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
3974-1903.

February 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of William M. Riddle; James A. Riddle, for himself and his two children, William Robert and Claudie Allen Riddle; Mary E. Diamond, for herself and her three minor children, Johnnie William Russell, Henry Edward Diamond and Lizzie Marie Diamond; Emily Sparks, for herself and her child Joseph Francis Sparks, wherein a decision adverse to the applicants was rendered by the Commission on December 30, 1902.

An examination of the evidence in this case shows that the applicants base their claim to identification on their descent from Joseph (or Jodie) Brown, and Katie (or Katie Brown), who, it is alleged, were citizens

of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission makes its decision rejecting these applicants for the reason that the names of Joseph (or Jodie) Brown, and Katie (or Katie Brown), are not found in its records as having complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been examined with reference to the names of Joseph (or Jodie) Brown and Katie (or Katie Brown), and they are not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(SIGNED) A. C. TONNER,

Acting Commissioner.

H. B. H. H'r.
3 enclosures.

Muskogee, Indian Territory, March 27, 1903.

W. H. Riddle,

Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you advise the change of the post office address of yourself, Mary E. Diamond and Emily Sparks to Bennington, Indian Territory. You state that your son-in-law went to Atoka, Indian Territory to have his children enrolled and failed to do so, and ask how you shall proceed to have them "enrolled."

In reply to your letter you are informed that it appears from the records of the Commission that yourself, Mary E. Diamond and Emily Sparks made application to this Commission for the identification of yourselves and families as Mississippi Choctaws.

The Commission, on December 30, 1902, rendered its decision refusing your applications and on the same date you were notified by registered mail of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to submit arguments in support of your claims to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in these cases expire on January 14, 1903. On January 15, 1903, the records in

W H R 2

these cases, together with the decision of the Commission was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The letters notifying you of the action of the Commission were addressed to the latest post office address given by the applicants, Belton, Texas, and were returned to the Commission marked "unclaimed." Said letters have this day been remailed to your present post office address.

You are further advised that the time within which the Commission could receive or consider applications for identification as Mississippi Choctaws expired at midnight March 25, 1903, and the Commission is now without authority to receive the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR.

J V H
P H E

D. C. 12911
I T D 2248-1903.
L R S

WASHINGTON.

April 30, 1903.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

January 15, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of William M. Riddle (M C R 6027), for himself and his two minor children, Samuel D. and John H. Riddle; of James A. Riddle for himself and his two minor children, William Robert and Claudie Allen Riddle; of Mary E. Diamond for herself and her three minor children, Johnnie William Russell, Henry Edward Diamond and Lizzie Marie Diamond; and of Emily Sparks for herself and her minor child, Joseph Francis Sparks, including your decision of December 30, 1902, refusing to identify them as such.

The principal applicant, through whom the others claim, was born in 1844. It seems that his mother, Elizabeth Riddle, who was born about 1812, was a full blood Choctaw. She was the daughter of Joseph (or Jodie) Brown and his wife, Katie Brown.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of 1830, ^{the} or with subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 26, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(SIGNED)

THOS RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 6087

COPY.

Muskogee, Indian Territory, May 9, 1903.

William M. Riddle,

Bennington, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William M. Riddle, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

(S. G. 458)

James Bixby.
Chairman.

Muskogee, Indian Territory, November 9, 1904.

Ayers & Losey,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing an affidavit of William Riddle and asking that he be granted a rehearing in the matter of his application for identification as a Mississippi Choctaw.

In reply you are advised that rehearsings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Such an affidavit as the one submitted by you with your letter of the 8th instant is not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of the 14th article of the Choctaw treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary;

A & L 2

in others the applicant can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show, how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

The affidavit of William Riddle enclosed with your letter of the 5th instant is herewith returned.

Respectfully,

McM 2

Chairman.

Muskogee, Indian Territory, December 3, 1904.

Ayers & Lossey,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you ask "if a person who has rights as a native Choctaw but is enrolled as a Mississippi Choctaw will be allowed to prove his rights as a Choctaw citizen, if so what proof would be required?" You state that you have in mind the case of William M. Riddle and his wife Francis Riddle.

In reply you are informed that the Secretary of the Interior on April 30, 1903, refused the applications of the several persons included in the consolidated Mississippi Choctaw case of William M. Riddle, et al., and you are further advised that the Commission now has no authority to receive or consider the original application of any person for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

23
COPY
K.O.R. 6027

COPY

Muskogee, Indian Territory, May 9, 1903.

Manafield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William M. Riddle, et al., of which decision you were advised by mail on the 30th day of December, 1902.

Respectfully,

James Dixby

Chairman.

M.O.R. 6027

COPY

Muskogee, Indian Territory, May 9, 1903.

Maxey & Heard,

Attorneys-at-law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William M. Riddle, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

Tams Dixby.

Chairman.

M C R 6027

Muskogee, Indian Territory, October 17, 1904.

Ayers & Losey,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th instant, wherein you ask "What steps if any has William Riddle of Caddo taken towards proving his citizenship as a Mississippi Choctaw?"

In reply you are informed that it appears from our records that Wm. H. Riddle, last known post office address Bennington, Indian Territory, about sixty years of age, made application to this Commission on July 9, 1902, for the identification of himself and two children, Samuel D. and John H. Riddle, as Mississippi Choctaws.

On December 30, 1903, the Commission rendered a decision refusing said application and this decision was approved by the Secretary of the Interior on April 30, 1903. The Commission now considers this case closed.

Respectfully,

Chairman.

Consolidated Case

of

Wm M Riddle et al

mer 60.27

Jodie Brown
(or Joseph "I")

↓
Katie Brown

Elizabeth Brown (40?)
mar dead

Thomas Riddle
(dead)

Jerry Brown

mar
6027 William M. Riddle 58-1/2
wife

Frances Riddle
(or Harriet Frances
(or Frances Harriet))

mar
6027 John H. Riddle 18
" Samuel D. " 17

mar
6028 James A. Riddle 32-
wife
Rosie Lee Riddle

mar
6028 Mary E. Riddle 28-
mar

① James Russell
dead

② Charlie J. Diamond

mar
6030 Emily Riddle 30-
mar
Henry Sparks

mar
6028 William Robert Riddle 2
Claudie Allen Riddle 5 m

mar
6029 Johnnie William Russell 10
" Henry Edward Diamond 3
Lizzie Marie Diamond 2

mar
6030 Joseph Francis Sparks 63

No. 6027

For Identification as a Mississippi Choctaw.

Date JUL 9 1902
Name Wm. M. Riddle

Age 58 Blood $\frac{1}{2}$

Post-Office, Belton, I. T.

Father: Thomas Riddle d

Mother: Elizabeth d

Claims through mother
wife Frances Riddle L
no claim for wife.

Self and 2 children.

Children:

Samuel Riddle 17
John H " 18

Stenographer

Clara M. Wood

Choctaw MCR 6028

James A. Riddle

See MCR 6027

MCR 6028

Department of the Interior
Commission to the Five Civilized Tribes.
Muskege, Indian Territory, July 8, 1902.

In the matter of the application of James A. Riddle
for the identification of himself and his two minor children
William Robert and Claude Allen Riddle as Mississippi Choctaws.

Maxey & Heard, Attorneys for applicant, represented by
H.B. Maxey.

James A. Riddle being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James A. Riddle.
Q How old are you Mr. Riddle? A Thirty-three years old the first day of next October.
Q How much Choctaw blood have you? A I cant tell you just exactly because I've never heard my father say.
Q What's your post office address? A My post office address now is Millville Arkansas; I live in Arkansas myself; have lived there since I was married; I never come back; my father-in-law's wife died and we stayed there; my wife takes care of her little sisters.
Q Do you live in Arkansas or Indian Territory? A I live in Arkansas at the present time.
Q How long have you lived there? A About four years since I moved; moved from here about four years ago.
Q What month? A I think as well as I remember about September in the fall like - cotton picking time.
Q That was in the fall of '98 was it? A Yes sir I suppose so been about four years ago.
Q Was it four years last fall or four years this coming fall? A Four years last fall I believe it was.
Q Then it was in October '97 - September or October '97? A Yes sir.
Q How long have you lived in the Indian Territory before you moved over there? A I was raised right round in Pickens County and the Choctaw - Tishomingo.
Q Where were you born? A I was born back east yonder.
Q Where? A Mississippi.
Q You came from there to Indian Territory? A Yes sir.
Q And lived in the Indian Territory continually until a little while four years ago when you moved to Arkansas?
A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A William M. Riddle.
Q Is your mother living? A Yes sir.
Q What's her name? A Harriet Frances.
Q Through which one of your parents do you get your Choctaw blood? A My father.

James A. Riddle--2.

- Q Is the William M. Riddle who has just appeared before the Commission today your father? A Yes sir.
- Q About how old a man is he? A Well sir it's been so long since I've heard the old man tell his age I can't get at it; somewhere along about fifty four, maybe a little younger.
- Q Through which one of his parents did he get his Choctaw blood? A Through his mother.
- Q What was her name? A Elizabeth.
- Q What was his father's name? A Thomas.
- Q How much Choctaw blood did Elizabeth have? A I can't exactly tell you.
- Q Did you ever see her? A Yes sir; I've seen her many a time.
- Q Do you know when and where she was born? A No sir don't know that.
- Q Do you know anything of the residence of your grandmother Elizabeth? A No sir; I can't remember much about that.
- Q Can you tell when she was born? A No sir; I've forgotten.
- Q Through which one of her parents did she get her Choctaw blood? A Her?
- Q Yes? A I can't say.
- Q Do you know the names of her parents - her father and mother? A Jodie Brown was her father's name; I remember that very distinctly.
- Q What was her mother's name? A Well I can't say; I can't just exactly tell what her mother's name was.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Rosie Lee Riddle.
- Q Has she any Choctaw blood? A No sir; none at all.
- Q You make no claim for her? A No sir not any.

Now it will be necessary that evidence of the marriage of your father and mother be proven in connection with your application; your father has today made application for two minor brothers - two of your minor brothers and he has been requested to furnish this evidence and has been given a period of fifteen days in which to do so; now if this is furnished by him of course it won't be necessary for you to furnish it but it must be furnished in one of your cases.

- Q Have you any children? A Yes sir I have two.
- Q What are their names and ages? A William Robert is my eldest.
- Q How old is he? A He will be three years old the 14th of next October.
- Q What's the name of your next child? A His name is Claude Allen.
- Q That's a boy? A Yes sir.
- Q How old? A Five months or six I forget which.
- Q Are these the children of yourself and Rosie Lee? A Yes sir.
- Q They are living with you at this time are they? A Yes sir.
- Q Were you married to her under a license? A Yes sir.
- Q When - about when were you married? A I can't tell you; I can tell you just exactly by counting a little what day and all I was married on.
- Q Tell us about when it was? A About four years the first day of next month - August.
- Q Where were you married to her? A In Arkansas there where we live at.

James A. Riddle--3.

- Q Who married you? A A Justice of the Peace by the name of Rolly Beeson.
- Q Have you your license with you today? A No sir; no license.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and Rosie Lee Riddle; this evidence should be furnished within fifteen days from today.

- Q This application then is for yourself and two minor children?
- A Yes sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw nation under the act of Congress of June 10 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities the Commission to the five civilized tribes or the United States Court for Indian Territory have you? A No sir.
- Q Has any application of any description ever been made before today for in your behalf or in behalf of either of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your self and two minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and in the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of what is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of the Indians were unwilling to leave the old nation and come out west and for the benefit of those who preferred to remain what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions the Choctaws who preferred to remain in the old nation and not move west might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to re-

man and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity. "

- Q Do you think you understand that fourteenth article?
A Do I think I understand it? A Yes what I have just told you; I have just quoted it to you - the fourteenth article of the treaty of Dancing Rabbit Creek - do you think you understand it? A Part of it I do and part I don't.

In case a Choctaw who might have been living back there in the old nation in Mississippi and Alabama in 1830 when this treaty was made decided that he wanted to stay there and not move out to the new nation he had the right to take land back there upon certain conditions; first he was required to let the agent of the government in Mississippi at that time for the Choctaws know within six months from the time this treaty was made that he wanted to become a citizen of the states and take land there and he was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner was entitled to one half that quantity for each unmarried child which was living with him over ten years of age and when the treaty was made, or three hundred and twenty acres and for each child living with him under ten years of age when the treaty was made he was entitled to one quarter section or one hundred and sixty acres; the reservations of these children were required to adjoin the reservation of the parent and these reservations were required as by the terms of the article to include the improvement of the head of the family as it existed under the 27th day of September 1830 the date the treaty was made. Now if the Indians lived on this land intending to become citizens of the states for five years from February 24, 1831 the date the treaty was ratified, in that case they were entitled to a grant in fee simple for the land that is the government would give them a deed or patent to the land and it would then become the property of the Indian to dispose of at his own will. The concluding clause of the fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Choctaw annuity is money which becomes due each year to the Choctaw Indians under treaty provisions from the government of the United States; that last clause means that if a Choctaw who might have been living back there seventy two years ago when this treaty was made, decided that he wanted to stay there take land and become a citizen of the states and did stay or receive benefits under this fourteenth article he should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever moved to the new nation later he was not to be entitled to any portion of the Choctaw annuity.

- Q Do you think you understand that fourteenth article now?
- A Yes sir.
- Q Did any of your Choctaw ancestors own an improvement back there in the old nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.
- Q Did any of them to your knowledge live there at that time - seventy two years ago. A No sir; not to my knowledge they didn't.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent for the government in Mississippi for the Choctaws know they wanted to stay there in Mississippi and become citizens of the states and take land? A No sir.
- Q Did any of them remove to the present nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Yes sir.
- Q Who? A My grand mother.
- Q What was her name? A Elizabeth.
- Q When did she move out to the new nation - what year? A Well I cant say about that; I've heard her talk a heap of the trip - knowing that she came out here when the Indians were moved west.
- Q Did she come when they first came - the first lot of Indians came out here? A I cant say about that. Somewhere near that I thought as near as I remember.
- Q Did any of your Choctaw ancestors ever receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A No sir not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Indians as might desire to remain there and become citizens of the States and take land; the records of the government show that this agent failed to register ~~the~~ and report to the government the names of many Indians who did in fact let him know that they wanted to stay and become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold land on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty this caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress

James A. Riddle--6.

passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with this fourteenth article of the treaty of Dancing Rabbit Creek but their land had been sold by the government; these commissioners were duly appointed by the government and they went to the state of Mississippi between the years 1837 and 1842 and heard a great many of these cases.

- Q Did any of your ancestors appear before these commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the fourteenth article of the treaty of Dancing Rabbit Creek but his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.
- Q Did any of your ancestors ever get any scrip from the government under this act of Congress. A None as I know of.
- Q Do you know whether any of your ancestors ever received any benefits what ever as Choctaw Indians? A Well I cant say; not as I know of.
- Q Do you know whether any of them were ever recognized members of the Choctaw tribe? A Was they ever recognized as Indians; yes sir I reckon they have.
- Q Who?
- A My grandmother.
- Q Elizabeth? A Yes sir.
- Q How was she ever recognized? A When she came to this country; when she moved here she was supported by the government - was able by them to move to this country; I suppose from her talk.
- Q She exercised the rights of citizenship here after she got here did she? A I suppose so; yes sir.
- Q You dont know about that? A Only heard her talk it; I cant say positive.
- Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir not as I know of.
- Q Have you any written evidence of any kind to offer at this time in support of this application?

By Attorney W.B. Maxey:

The affidavit of Jane Lewis will be considered in all these cases? A

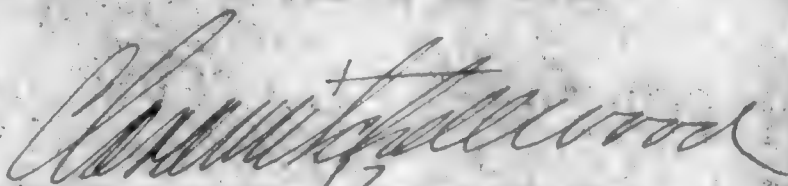
By the Commission: Yes sir.

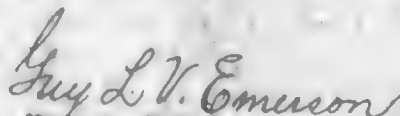
James A. Riddle--7

- Q You have none? A No sir.
Q You have no witnesses here? A No sir.
Q If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days and their testimony will be taken or if you should see fit to offer any written evidence such proper written evidence as may be received within a period of fifteen days will receive the consideration of the Commission.
Q Are there any further statements you want to make? A No sir.
Q Do you speak or understand the Choctaw language? A No sir
I don't speak it and don't understand it but a very little
I used to understand a little of it but I forgot it.

The applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; has black hair rather dark complexion rather dark eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.


Subscribed and sworn to before me this 11 day of July 1902.


Notary Public.

COPY

Muskogee, Indian Territory, December 30, 1902.

James A. Riddle,
Millville, Arkansas.

Dear Sir:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William M. Riddle, et al., embracing the following applications for identification as Mississippi Choctaws:

William M. Riddle, et al.,	M.C.R. 6027
James A. Riddle, et al.,	M.C.R. 6028
Mary E. Diamond, et al.,	M.C.R. 6029
Emily Sparks, et al.,	M.C.R. 6030

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Riddle, Samuel D. Riddle, John H. Riddle, James A. Riddle, William Robert Riddle, Claudie Allen Riddle, Mary E. Diamond, Johnnie William Russell, Henry Edward Diamond, Lizzie Marie Diamond, Emily Sparks and Joseph Francis Sparks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

-2-

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, "through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tenne Dixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 6028

Muskogee, Indian Territory, May 9, 1903.

James A. Riddle,

Millville, Arkansas.

Dear Sir:

You are hereby notified that on the 30th day of April, 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William M. Riddle, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

SIGNED

Tams Dixby

Chairman.

No. 6028

For Identification as a Mississippi Choctaw.

Date JUL 9 1902

Name

James A. Riddlet

Age

32

Blood

Don't know

Post-Office,

Millville, Ark.

Father:

Wm M Riddle

Mother:

Mariet Frances "

Claims through Father

wife

Rosa Lee Riddle

No claims for wife

For self and 2 children

Children:

William R. Riddle

Claudia A. "

Clara M. Ward

Choctaw MCR 6029

Mary E. Diamond

See MCR 6027

MCR 6029

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 2, 1902.

In the matter of the application of Mary E. Diamond
for the identification of herself and her three minor children
Johnnie William Russell, Henry Edward Diamond and Lina Marie
Diamond as Mississippi Choctaws.

Mexey & Heard attorneys for applicants, represented by

H. B. Mexey.

Mary E. Diamond being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A Mary E. Diamond.
Q How old are you? A Twenty-eight.
Q How much Choctaw blood have you? A I don't know exactly
how much.
Q What's your post office address? A Belton.
Q Belton Indian Territory? A Yes sir.
Q How long have you lived in Indian Territory? A I was raised
here principally.
Q Where else have you lived? A I haven't lived anywhere
else only in Denison about a year.
Q Is your father living? A Yes sir.
Q What is his name? A William M. Riddle.
Q Is your mother living? A Yes sir.
Q What's her name? A Frances Harriet Riddle.
Q Through which one of your parents did you get your Choctaw
blood? A Father.
Q Is the William M. Riddle who appeared before the Commission
here this morning your father? A Yes sir.
Q Through which one of his parents did he get his Choctaw
blood? A His mother.
Q What was her name? A Elizabeth Riddle.
Q Through which one of her parents did she get her Choctaw
blood? A I don't tell you to save my life.
Q Do you know anything with reference to the residence of your
grand parents and great grand parents? A No sir I don't.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A G. J. Diamond. We call him Charlie.
Q Was he any Choctaw blood? A No sir.
Q You make no application for him then? A No sir.
Q Have you been married more than once? A Yes sir.
Q What was the name of your first husband? A Russell.
Q The next one was Charlie Diamond? A Yes sir.
Q What's your first husband's given name? A James.

Mary R. Diamond--2.

It will be necessary that the Commission be furnished with the evidence of your father and mother's marriage; your father has been requested to furnish this evidence in connection with an application he made in behalf of his minor children; fifteen days from this date will be allowed in which to produce evidence of their marriage; in case the evidence is offered in support of his application it will not be necessary for you to furnish it.

- Q Have you any children living? A Yes sir.
Q How many? A Three.
Q What are their names and ages the oldest first? A The oldest is ten years old Johnnie William Russell.
Q The next one? A Henry Edward Diamond.
Q How old is he? A Three.
Q The next one? A Lizzie Marie Diamond.
Q How old is she? A She's two.
Q What's the name of the father of John William? A Jim Russell.
Q Is he living? A No sir.
Q Have any Choctaw blood? A No sir.
Q What's the name of the father of your two younger children?
A Charliam J. Diamond.
Q This application is in behalf of yourself and three minor children? A Yes sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians to your knowledge?
A No sir not that I know of.
Q Is your name or the name of your oldest child to be found upon any of the Choctaw tribal rolls in Indian Territory?
A No sir; I don't know that it is.
Q Did you ever make application for yourself or your oldest child to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe?
A No sir.
Q Had you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or your oldest child? A No sir.
Q Then neither of you have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities this Commission or the United States Court in Indian Territory have you? A No sir.
Q Has any application of any description ever been made for you or either of these children before today for the purpose of establishing your rights as Choctaw Indians? A No sir we never did.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article fourteen of the treaty of Pandung Rabbit Creek?
A Yes sir.

The treaty of Pandung Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of this treaty was to secure the removal of these Indians from the country occupied by them in Missis-

Mary E. Diamond--3.

Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Chickasaw Country in Indian territory. At the time the treaty was made some of the Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out west to the new nation might receive land in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity?"

fourteenth

Q Do you think you understand that article Mrs. Diamond?
A No sir I don't.

In case a Choctaw who might have lived back there in the old nation in Mississippi and Alabama in the year 1830 when this treaty was made seventy two years ago decided that he wanted to stay there and not move out west here to the new nation he had the right to take land there in the old nation from the government upon certain conditions under this fourteenth article; first he was required to within six months after this treaty was ratified let the agent of the government in Mississippi for the Choctaws know that he wanted to stay there; he was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each unmarried child which was living with him over ten years of age and for each child in his family under ten years of age when the treaty was made to a quarter section and the reservations of these children were required in each instance to adjoin the location of the parent and the reservations were required to include the improvement of the parent as it existed on the 27th day of September 1830 the date the treaty was made; now if the Indian lived on that land intending to become a citizen of the states for five years after the treaty was ratified he was entitled to a grant in fee simple for his land - that is the government

Mary H. Diamond--4.

would give him a title to the land and it would become the property of the Indian to dispose of it at his will and pleasure. The last clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is an Indian who decided to stay back there in Mississippi and took land under the fourteenth article should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever decided to move out west he was not entitled to any portion of the Choctaw annuity; this annuity was money being paid to Choctaw Indians annually under treaty provisions.

- Q Now do you think you understand that article? A Well the way I thought-- you just want to know if my fat her's parents taken any land in Mississippi? A I want to know if you understand the fourteenth article? and then I will ask you questions? A I dont think I understand the fourteenth article.
- Q What is it you dont understand? A Why they are not entitled to being a citizen in this Indian territory if they taken land in Mississippi.
- Q That fourteenth article does not provide that they will be deprived of citizenship in the Choctaw nation Indian Territory; it says that they will not lose the privilege of a Choctaw citizen but if they ever remove to this nation here they are not to be entitled to any portion of this annuity money that the government paid to these Indians under treaty provisions.
- Q Do you think you understand that? A Yes sir I think so.
- Q Did any of your Choctaw ancestors own an improvement in the old nation in Mississippi and Alabama in 1830? when this treaty was made? A Not that I know of.
- Q Did any of them live there at that time to your knowledge? A I dont know nothing only what I hav e heard my father say
- Q What have you heard him say? A I've heard him speak of his mother living in Mississippi and coming out here in '33 or '32.
- Q Came from Mississippi here? A And they drewed the scrip or whatever it was; that's all I know about it; of course that was before I was born and I cant know very much about it.
- Q Do you know whether any of your Choctaw ancestors within six months from the time this treaty of Dancing rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi and become citizens of the state and take land? A No sir.
- Q Do you know whether any of them ever received or claimed land from the government under this fourteenth article? A No sir.
- Q So far as you know did then none of your people ever complied with this treaty or ever received any benefits under it? A No more than what my grand mother did; of course she came from Mississippi here as an Indian; drewed her right rations

Mary N. Diamond. 5.

from the government.

Q You dont know whether she complied with this treaty - the provisions of this fourteenth article back there or not? A No sir I dont.

Q In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Chocataws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know they wanted to stay and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Chocataws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go to Mississippi and hear the cases of Chocataws who claimed they had complied in all respects with the fourteenth article of the treaty but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went to Mississippi between the years 1837 and 1842 and heard a great many of those Chocataw cases.

Q Did any of your ancestors appear before these commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir not that I know of.

Q An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Chocataw had complied in all respects with article fourteen of the treaty of Dancing Rabbit Creek that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect these certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A In 18 and what?

Q I suppose along in the forties somewhere? A Not that I know of.

Q So far as you know then none of your ancestors ever received any benefits as Chocataws? A No sir not to my knowledge.

Q You dont know whether any of them were recognized members of the tribe of 1830 or not do you? A No sir not for sure.

Q Do you know of any Chocataw old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts?

Mary E. Diamond--4.

A I dont believe y do right now.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.

Q Any witnesses? A No sir; I have no witnesses at all.

In case you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within ten days from today and their testimony will be taken; if you should find any written evidence you want to offer such proper written evidence as may be offered within a period of ten days will receive the consideration of the Commission.

Q Are there any further statements you want to make? A No sir.

Q You dont speak or understand the Choctaw language?

A Not very much; I can understand it some; not much.

Reference is hereby made to N.C.R. 6027 William M. Riddle et al., the principal applicant in said case being the father of the applicant in this case.

---3---

This applicant has the appearance of being a white woman shows no indications of being possessed of Indian blood; she has dark hair rather dark complexion, dark brown eyes does not speak or understand the Choctaw language and has no knowledge of compliance on part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

---4---

Clara Mit shell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date

Clara Mit shell Wood

Subscribed and sworn to before me this 17 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY

Waukegee, Indian Territory, December 30, 1902.

Mary E. Diamond,

Belton, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William M. Riddle, et al., embracing the following applications for identification as Mississippi Choctaws:

William M. Riddle, et al.,	N.C.R. 6027
James A. Riddle, et al.,	N.C.R. 6028
Mary E. Diamond, et al.,	N.C.R. 6029
Emily Sparks, et al.,	N.C.R. 6030

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence here in is insufficient to determine the identity of William M. Riddle, Samuel D. Riddle, John R. Riddle, James A. Riddle, William Robert Riddle, Claudie Allen Riddle, Mary E. Diamond, John Russell, Henry Edward Diamond, Lissie Marie Diamond, Emily Sparks and Joseph Francis Sparks as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

-2-

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.

Acting Chairman.

Registered.

M.O.R. 6029

COPY.

Muskogee, Indian Territory, May 9, 1903.

Mary E. Diamond,

Bennington, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William M. Riddle, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

Jams Dixie.
Chairman.

Muskogee, Indian Territory, August 7, 1906.

Mary E. Diamond,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th ultimo, by reference from the Secretary of the Interior. Therein you ask to be advised as to why you have not been granted a right as a Mississippi Choctaw.

In reply you are informed it appears from the records of this office that you were refused identification as a Mississippi Choctaw for the reason that the evidence submitted in support of your claim failed to establish the fact that you were the descendant of a beneficiary under the provisions of the 14th article of the Choctaw treaty of September 27th, 1830.

The decision of the Commission to the Five Civilized Tribes rendered in your case December 30, 1902, was affirmed by the Secretary of the Interior April 30, 1903. Your case is considered closed.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date JUL 9 1907

Name Mary E Diamond

Age 28 Blood Don't know

Post-Office, Belton, S.C.

Father: W. M. Riddle d

Mother: Frances N. " L

Claims through father
husband Charley J Diamond L
No claim for husband.

For 100 and 3 children.

Children:

Johnnie William Russell 10
Father James Russell (no Choctaw) d
Henry Edward Diamond 3
Lizzie Marie 2

Stenographer Clara M. Wood.

Choctaw MCR 6030

Emily Sparks

See MCR 6027

MCR 6030

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 8, 1902.

In the matter of the application of Emily Sparks for the identification of herself and her minor child Joseph Frances Sparks as Mississippi Choctaws.

Maxey & Ward attorneys for applicants, represented by
N.B. Maxey.

Emily Sparks being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Emily Sparks.
Q How old are you? A Twenty.
Q Twenty? A Yes sir.
Q How much Choctaw blood have you? A I don't know exactly.
Q What's your post office address? A Belton.
Q Belton Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A All my life. I don't know anything else but the Indian Territory.
Q Where were you born? A I was born in Kentucky.
Q Kentucky? A I believe I was; I don't know for sure whether I was or not.
Q Is your father living? A Yes sir.
Q What's his name? A Riddle.
Q William M. Riddle? A Yes sir.
Q Is he the William M. Riddle who appeared before the Commission here today? A Yes sir.
Q Mother living? A Yes sir.
Q What's her name? A Frances.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Where was he born? A I don't know.
Q Do you know anything about his residence prior to your birth? A No sir.
Q Through which one of his parents did he get his Choctaw blood? A His father I think it was.
Q What was his name? A I can't tell you.
Q Do you know your father's mother's name? A No sir I don't know as I do.
Q Do you know the names of any of your great grandparents? A Yes I know my grandmothers. Some I could call it but I can't think of it.
Q Do you know the names of your great grand parents? A No sir I don't.
Q It will be necessary that you furnish to the Commission with proper evidence of the marriage of your father and mother.

or they are to be furnished in the case of some of your relatives; either your father or some of your brothers and sisters; this evidence should be furnished within a period of fifteen days from today if possible; your father has been requested to furnish it; if he furnishes it it wont be necessary for you to do so.

- Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A His name is Sparks.
Q Given name? A Henry Sparks.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q Have you any children? A One.
Q What's that child named? A It's named Joseph Francis.
Q Boy? A Yes sir.
Q How old? A He's six months old.
Q He is the child of yourself and Henry Sparks? A Yes sir.
Q This application then is for yourself and one child? A Yes sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I think so.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Yes sir; I dont know for sure whether it was or not; I cant say.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Did anyone else ever make an application for you? A No sir.
Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No I dont know of.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, this commission or the United States Court for Indian Territory? A I dont know.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A I dont know.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Chickasaw country in Indian Territory. At the time the treaty was made some of these

Emily Sparks--3.

Indians were unwilling to move west to the new country and for the benefits of those who preferred to remain in the old Nation what is known as article fourteen was put into the treaty; that fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article to your knowledge? A Not that I know of.
- Q Did any of them own an improvement in what constituted the old Choctaw nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.
- Q Did any of them to your knowledge live there then? A Not to my knowledge; you see I'm so young I can't tell much about it.
- Q Did any of them remove to the present Choctaw nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay and become citizens of the states and take land? A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know they wanted to stay and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek.

Railly Sparks--4.

This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between 1837 and 1842 which provided for the appointment of commissioners whose duty it should be to go down to Mississippi and hear cases of Choctaw Indians who claimed they had complied in all respects with the provisions of this fourteenth article of the treaty of Pandung Rabbit Creek; these commissioners were duly appointed by the president of the United States and they went down to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases; Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Pandung Rabbit Creek? A I don't know whether they did or not.

An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Pandung Rabbit Creek but that his land had been sold by the government he should be entitled to select land someplace else in the place of the land so sold by the government - some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect these certificates were called scrips;

- Q Did any of your ancestors ever get any scrip from the government under this act of Congress? A Not that I know of.
- Q So far as you know none of your people ever received any benefits as Choctaw Indians did they? A Not that I know of.
- Q Were any of them ever recognized members of the Choctaw tribe to your knowledge? A I don't know.
- Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Pandung Rabbit Creek or ever received any benefits under that article? A I don't know.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A I don't know.
- Q Have you any written evidence of any kind to offer at this time? A No sir.
- Q Any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within ten days from today and their testimony will be taken; if you should find any written evidence of any kind which you desire to offer in support of your application such proper written evidence which may be offered within ten days from today will receive the consideration of the Commission.

By Attorney H. A. Hargy: Now Mr. Emerson this is all one family and the testimony of the father shows she is a child and we want them all considered together.

Daily Sparks—8.

- Q Are there any farther statements you want to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir. Some few words I do.

Reference is hereby made to N.C.R. 6027, the principal applicant in said case being the father of the principal applicant in this case.

—O—

This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood although she has dark hair, rather dark complexion, dark brown eyes; she does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

—O—

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 17 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

Muskogee, Indian Territory, December 30, 1902.

Emily Sparks,

Belton, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William M. Riddle, et al., embracing the following applications for identification as Mississippi Choctaws:

William M. Riddle, et al.,
James A. Riddle, et al.,
Mary E. Diamond, et al.,
Emily Sparks, et al.,

M.C.R. 6027
M.C.R. 6028
M.C.R. 6029
M.C.R. 6030

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Riddle, Samuel D. Riddle, John H. Riddle, James A. Riddle, William Robert Riddle, Claudie Allen Riddle, Mary E. Diamond, Johnnie William Russell, Henry Edward Diamond, Lissie Marie Diamond, Emily Sparks and Joseph Francis Sparks, as Choctaw Indians entitled

-2-
to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

JAMES DIXBY.
Acting Chairman.

Registered.

Muskogee, Indian Territory, April 1, 1903.

M. H. Sparks,

Grant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, in which you ask if you are entitled to any land. You state you get your right through W. M. Riddle and that his daughter Emily Sparks wishes to know if she is entitled to any land.

In reply you are informed that it does not appear from our records that you are an applicant to this Commission for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw, and you are advised that the Commission is now without authority to receive or consider the application of any person for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw.

You are further advised that it appears from our records that Emily Sparks made application to this Commission for the identification of herself and minor child as Mississippi Choctaws. On December 30, 1902, the Commission rendered its decision refusing her application, and on January 15, 1903, forwarded the record in said case, together with its decision, to the Secretary of the

M H S S

Interior. The applicant will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

M.C.R. 6030

COPY

Muskogee, Indian Territory, May 9, 1903.

Emily Sparks,
Bennington, Indian Territory.

Remailed Belton. J. J. July 2 1903

Dear Madam:

You are hereby notified that on the 30th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William M. Riddle, et al., of which decision you were advised by registered mail on the 30th day of December, 1902.

Respectfully,

James Dixby.
Chairman.

No. 6030

For Identification as a Mississippi Choctaw.

Date JUL 9 1902

Name Emily Sparks

Age 20 Blood dont know.

Post-Office, Belton S.T.

Father: Wm M Riddle L

Mother: Frances " L

Claims through Father.

husband

Henry Sparks. L

No claim for husband.

Self said one child

Children:

Joseph Francis Sparks. 6mo.

Stenographer

Clara M. Sparks.

Choctaw MCR 6031

Lizzie O'Donnell

MCR 6031

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lizzie O'Donnell, et al.,
for identification as Mississippi Choctaws, M. D. R. 6031.

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of
Lizzie O'Donnell, et al.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 9, 1904.

In the matter of the application of Lizzie O'Donnell
for the identification of herself and her six minor
children Eunah, Herbert, Thomas, John Michael and Roland
O'Donnell as Mississippi Choctaws.

Harri son & Thomas, Attorneys for Applicant.

Lizzie O'Donnell being first duly sworn testified
as follows:

Examination by the Commission:

- Q What is your name? A Lizzie O'Donnell.
Q How old are you? A Thirty-three.
Q How much Choctaw blood have you? A I dont know sir
exactly.
Q What's your post office address? A Cretula Texas.
Q What county? A Haskell.
Q How long have you lived in the state of Texas? A I was
born and raised ther e.
Q Is your father living? A No sir.
Q What was his name? A James A. Perkins.
Q Is your mother living? A Yes sir she's living.
Q What's her name? A Mary A. Perkins.
Q Through which one of your parents did you get your
Choctaw blood? A James A. Perkins, my father.
Q How old would he be if he were living now? A He was
sixty four when he died.
Q When did he die? A Died in '87.
Q Where was he born? A In Louisiana I think.
Q How long did he live in Louisiana? A I dont know sir.
Q Have we idea? A No sir; I dont; he come to Texas.
Q He lived in Louisiana and Texas all his life did he A Yes
sir.
Q He never lived in Mississippi- your father? A Not that
I know of.
Q Through which one of his parents did he get his Choctaw
blood? A His father.
Q What was his father's name? A Jordan Perkins.
Q What was your father's mother's name? A I dont know sir.
Q Do you know how much Choctaw blood Jordan Perkins had
A No sir.
Q Do you know the names of his parents? A No sir.
Q Do you know where he was born? A No sir; I dont - either
in Mississippi or Alabama.
Q Were your father and mother lawfully married? A Yes sir they
was.
Q Have you any evidence of that fact? A Yes sir.
Q With you? A No sir.
Q How long did they live together as husband and wife? A I

don't know exactly it must have been twenty-two or three years.

Q How many children were born to them? A Three.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother; this evidence should be furnished within a period of fifteen days from today; you can furnish the original marriage license and certificate or a certified copy of it to the Commission at Muskogee and it will be considered if received within fifteen days; you should also furnish the Commission with evidence of the marriage of your father's father and mother if possible within fifteen days.

Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I don't know sir.

Q Are you married? A Yes sir.

Q Husband living? A Yes sir.

Q What's his name? A John O'Donnell.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him? A No sir.

Q Have you any children? A Yes sir; we have six.

Q What's the name of the oldest one? A Beulah.

Q How old is she? A Thirteen.

Q The next one? A Herbert.

Q How old is Herbert? A Eleven.

Q The next one? A Thomas.

Q How old? A Nine.

Q The next one? A John.

Q How old? A Five years old.

Q The next one? A Michael.

Q How old? A Three.

Q The next one? A Roland.

Q How old? A One year and four months.

Q Are these children all living with you at this time? A Yes sir.

Q They are all the children of yourself and John O'Donnell.

A Yes sir.

Q This application is for yourself and six minor children?

A Yes sir.

Q Is your name or the name of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?

A I don't know sir whether it is or not.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that tribe? A Yes sir.

Q When? A In '93 I think it was '93.

Q Where did you make that application? A In San Patricio County.

Q Texas? A Yes sir.

Q Was that application made to the Indian authorities in Indian Territory? A No sir; it was made to a lawyer in Fort Smith Arkansas.

Q I am speaking of the tribal authorities; the Indians have their form of government, and when people wanted to become members of that tribe they would go and petition the Indian officials to become members of the tribe; did you petition these officials to become members of the tribe?

Linnie O'Donnell

- A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you or has anyone had your children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Has any application of any kind ever been made before today in your behalf or in behalf of these children for the purpose of establishing your rights as Choctaw Indians?
- A Not that I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and six minor children under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A Yes sir.
- Q Now this application you say you made to a lawyer in Fort Smith ——— A It was an application for citizenship in the Indian Territory.
- Q You don't know whether he ever presented that to the tribal authorities or not? A No sir.
- Q Did you ever hear from the application? A No sir; he got the money and I never heard from it nor from the lawyer neither.

The treaty of Dancing Rabbit Creek was entered in Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there, what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Choctaw nation and not move west might receive land in Mississippi from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include

Linale O'Donnell--4.

the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Q Do you think you understand that article Mrs O'Donnell?
A I don't.

By Attorney: I think she does your honor please; I have explained it several times; but she probably doesn't understand what you mean by your question.

By the Commission: Now I have quoted to you Mrs. O'Donnell the fourteenth article of the treaty of Dancing Rabbit Creek as it was put in that treaty seventy two years ago; now do you understand its provisions as I have quoted and explained it to you? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this article or ever receive any benefits under that article to your knowledge? A Not to my knowledge.

Q Did any of them within six months after the treaty was ratified let the agent of the government for the Choctaws in Mississippi know that they wanted to stay in Mississippi and take land? A Not that I know of; I never heard of it if they did.

Q Did any of your Choctaw ancestors live there in the old Nation in Mississippi and Alabama when this treaty was made to your knowledge? A Not to my knowledge; no sir; I wasn't acquainted with my grand parents.

Q Do you know whether any of them owned an improvement at that time? A No sir I don't.

Q Did any of them ever claim or receive any land from the government under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever remove to the Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between 1833 and 1836? A I don't know sir.

Q Did any of them ever receive any land from the government to your knowledge under this treaty provision? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the state and take land; the records of the government show that this agent failed to register the report to the government the number of many Choctaws who did in fact let him know they wanted to stay and become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and

Lizzie O'Donnell--5.

Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the fourteenth article of the treaty of Dancing Rabbit Creek but their land had been sold by the government; these commissioners were appointed by the President of the United States and went to Mississippi between the years 1837 and 1845 and heard a great many of these cases.

Q Did any of your ancestors appear before these commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not to my knowledge.

An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever get any scrip from the government under this act of Congress? A No sir.

Q So far as you know then none of your people ever received any benefits whatever as Choctaw Indians? A No sir.

Q You dont know whether any of them were recognized members of the Choctaw tribe in 1830 or not do you? A No sir.

Q None of your Choctaw ancestors were living in Mississippi in 1830 were they? A I dont know. In Mississippi you say?

Q Yes? A No sir I dont know.

Q Your father was born in Louisiana? A Yes sir.

Q He was born before 1830 considerable time? A Yes sir but I never heard him speak of it; I dont know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received benefits under the treaty? A I have some uncles.

Q How old are they? A I dont know exactly their age. But they are getting along in years.

Q What are their names? A One's named Washington, Joshua and Cater Perkins.

Q Where do they live? A Two live in Galveston Texas.

Q Which ones? A Washington and Joshua.

Q Where does the other live? A Pike County.

Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your people ever complied with this article? A No sir.

Q Have you any written evidence you want to offer at this time?

By Attorney. There's a couple of affidavits as to her identity as the daughter of the man she claims to be the daughter of.

Exhibit O'Donnell-7.

The affidavits of J.L. Coker and Joseph Bucklow offered in evidence identified as exhibits A₁ and B₁ filed and made a part of the record in this case.

- Q Who is J.L. Coker whose affidavit you submit here? A Gentlemen living in Götula.
- Q Is he any relation to you? A No sir.
- Q Has he any interest in the result of your application? A No sir.
- Q Who is Joseph Bucklow? A A man living in Dillie.
- Q Is he any relation to you? A No sir.
- Q Has he any interest in the result of your claim? A No sir.
- Q You have no further written evidence to offer have you? A Not at this time.
- Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at any time within a period of fifteen days and their testimony will be taken; if you have any written evidence to offer such proper written evidence which may be offered in fifteen days will receive the consideration of the Commission.

—O—

Cross examination by W.M. Harrison, attorney for applicants

- Q Who was Jordan Perkins.
- A My grandfather.
- Q Your grandfather? A Yes sir.
- Q You said in answer to a question by the Commissioner a few moments ago that you did not know how much blood Jordan Perkins is said to have had; did you intend your answer as you made it or are you mistaken about it; in other words did you ever hear of your grandfather being a person of Indian blood and if so did you ever hear how much blood he claimed to have had? A Yes sir, I heard he was half.
- Q Then in your statement to the Commission to the effect that you did not know how much blood your grandfather claimed you were mistaken - were you not? A Yes sir.

—O—

By the Commission

- Q Have you any brothers living? A Yes sir.
- Q How many? A Two other brothers and half brothers.
- Q What are their names? A John and Elijah.
- Q Have you any sisters living? A No sir; not own sisters; I have some half sisters.
- Q Have you the same father? A Yes sir.
- Q What are their names? A Mary Rider is one and Sarah Tullis is another and Eliza Bundick, Annie Rice and Lottie Fisher.
- Q Have they been before the Commission? A No sir; they have not.
- Q What are the names of your half brothers? A Henry, Radio, Calvin and Joseph Perkins.
- Q Have they been before the Commission? A No sir.
- Q Has your father any brothers or sisters living? A Yes sir.
- Q Those would then you name? A Yes sir.
- Q Have they been before the Commission? A Not that I know of.

Lizzie O'Donnell--Q.

- Q Has your father any sisters living? A No sir he hasn't got nary sister living.
- Q How many sisters did he have? A Three.
- Q Did any of them leave children? A Yes sir they all left children; all but one
- Q What is the name of the oldest one who left children?
- A Emily Tullis.
- Q How many of her children are living? A I cant tell you because I dont know.
- Q Do you know their names? A No sir; not all of them; I just know I had such aunt.
- Q Give us the names of such as you know? A Leonard Tullis. Barren, Wandy, Lillie, Janie, Emily, and Ranch.
- Q Do you know whether any of them have ever been before us?
- A Not that I know of. There was one of them living in the territory somewhere.
- Q What is the name of your father's other sister? A Charlotte.
- Q Charlotte what? A Bignerrel.
- Q Are any of her children living? A No sir.
- Q Your father's other sister--did she leave any children?
- A No sir; she never married.
- Q Was your father any br others dead? A Yes sir I guess so.
- Q How many? A I dont know.
- Q Do you know their names? A I know some of his brothers names
- Q Did any of them leave children? A Yes sir.
- Q Do you know the names of their children? A Some of them.
- Q Give us the names of these children of one of his brothers now and the name of that br other? A This Jesse was one of his brothers and he had James was one of his sons, Joshua is one, Martha was one of his daughters.
- Q Is she married? A Yessir.
- Q What's her married name? A She married Smith.
- Q The next one after her? A Vienna Rice.
- Q The next one? A Catherine she married Bundick. That was all of the daughters I think; I'm not positive.
- Q Now name another brother? A Richard was one of the boys.
- Q One of Jesse's boys? A Yes, and Beau regard.
- Q What was the name of another one of your father's brothers?
- A Joshua.
- Q Joshua is living is he? A Yes sir.
- Q I'm talking about the deceased brothers who left children.
- A There's Jacob but I dont know how many children he had.
- Q Do you know the names? A I know two of the children is all I know; there was Sarah and Caroline.; they both married and had children
- Q What was Sarah's married name? A Linsey.
- Q What was Caroline's married name? A Dice.
- Q The next one? A That's all.
- Q That's all of your father's brothers who left children at the time of their death? A Yes sir.
- Q You dont speak or understand the Choctaw language do you?
- A No sir.
- Q Are there any farther statement you want to make? A No sir.

This applicant has the appearance of being a white person; shows no particular indications of being possessed of Indian blood; she has dark hair, dark complexion, gray eyes; she

Lizzie O'Donnell--9

does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 28th day of July 1908 and that the above and foregoing is a full and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 12th day of July 1908.

Guy L. V. Emerson
Notary Public

COPY.

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copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lissie O'Donnell, et al.,
for identification as Mississippi Choctaws, N. C. R. 6081.

---: D E C I S I O N :---

It appears from the record herein that application
for identification as Mississippi Choctaws was made to this
Commission by Lissie O'Donnell for herself and her six minor
children, Beulah, Herbert, Thomas, John, Michael and Roland
O'Donnell, under the following provision of the act of
Congress approved June 28, 1896 (30 Stats., 495):

"Said Commission shall have authority to
determine the identity of Choctaw Indians claim-
ing rights in the Choctaw lands under article
fourteen of the treaty between the United States
and the Choctaw Nation, concluded September
twenty-seventh, eighteen hundred and thirty, and
to that end may administer oaths, examine wit-
nesses and perform all other acts necessary thereto
and make report to the Secretary of the Interior."

It also appears that all of said applicants claim
rights in the Choctaw lands under article fourteen of the
treaty between the United States and the Choctaw Nation, con-
cluded September twenty-seventh, eighteen hundred and thirty,
by reason of being descendants of Jordan Perkins, who is al-
leged to have been an one-half blood Choctaw Indian.

It further appears from the evidence offered in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 16, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jordan Perkins, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie O'Donnell, Beulah O'Donnell, Herbert O'Donnell, Thomas O'Donnell, John O'Donnell, Michael O'Donnell and

Reiland O'Donnell as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED

Tamm Dixby.

Acting Chairman.

RECEIVED

I. D. Wallace.

Commissioner.

RECEIVED

C. R. Breckinridge.

Commissioner.

Washoe, Indian Territory.

JAN 21 1903

X 6 X 6031

Muskogee, Indian Territory, July 25, 1908.

Thomas & Harrison,

Attorneys at law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st inst., enclosing certified copy of the marriage record between James Franklin and Mary Allsup, which you offer for filing in support of the application made by Lizzie O'Donnell for the identification of herself and her minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Very truly,

Commissioner in Charge

H.C.R. 6031.

Muskogee, Indian Territory, August 26, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 25th inst., in which you ask that you be allowed further time within which to submit additional evidence in the Mississippi Shootar case of Lizzie S'Donnell.

In compliance with your request, you are hereby allowed thirty days from the date hereof within which to introduce additional testimony in this case.

Yours truly,

Acting Chairman.

COPY.

H.C.R. 6031

Muskogee, Indian Territory, January 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lizzie O'Donnell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie O'Donnell, Boulah O'Donnell, Herbert O'Donnell, Thomas O'Donnell, John O'Donnell, Michael O'Donnell and Roland O'Donnell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. I. Macleod.

Commissioner in Charge.

COPY.

M.C.R. 6031

Muskogee, Indian Territory, January, 21, 1903.

Harrison & Thomas,

Attorneys at law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lizzie O'Donnell, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie O'Donnell, Beulah O'Donnell, Herbert O'Donnell, Thomas O'Donnell, John O'Donnell, Michael O'Donnell, and Roland O'Donnell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Harrison & Thorne--2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

E. B. Macdier

Commissioner in Charge.

Registered.

COPY.

M.C.R. 6031

Muskogee, Indian Territory, January 21, 1903.

Lizzie O'Donnell,

Cotulla, Texas.

Dear Madam:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lizzie O'Donnell, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie O'Donnell, Beulah O'Donnell, Herbert O'Donnell, Thomas O'Donnell, John O'Donnell, Michael O'Donnell and Roland O'Donnell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Lizzie O'Donnell, —2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

I. B. Needles,
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lizzie O'Donnell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 21, 1903.

The Commission has the honor to report that the principal applicant herein, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
2 Enc. M.C.R. 6031

C. R. Breckinridge.
Commissioner in Charge.

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10110-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Lizzie O'Donnell, for herself and her six minor children, Beulah, Herbert, Thomas, John, Michael and Roland O'Donnell, wherein a decision adverse to the applicants was rendered by the Commission on January 21, 1903.

Jordan Perkins is the name of the ancestor through whom these applicants claim to be identified as Mississippi Choctaws, and it is alleged that said ancestor was a citizen of the Choctaw Nation.

The Commission states, in deciding this case adversely, that no such name as Jordan Perkins is found in its record of those who complied or offered to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search has been made of the records of this office for the name of Jordan Perkins, and it is not found to be included in the list of those persons who complied or sought to comply with the provisions of the 14th article of the Choctaw treaty of 1830. It

-2-

is, therefore, recommended that the decision of the Commission re-
jecting these applicants be approved.

Very respectfully,

(sgd) A. C. Tonner,

Acting Commissioner.

E.B.F. H'r.

3 enclosures.

D.C.11672-1903.
I.T.D.3136-1903.
IRS.

(Copy)

FHB.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 22, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 6, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Lizzie O'Donnell (M.C.R.6031), for herself and her six minor children, Beulah, Herbert, Thomas, John, Michael and Roland O'Donnell including your decision of January 21, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jordan Perkins, who is alleged to have been an one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with subsequent acts of Congress relating thereto.

Reporting in the matter March 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A

-2-

copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,

Acting Secretary.

1 enclosure.

RECEIVED
CO. PROFA. OFFICE
MAY 23 1943

M.O.R. 6031.

COPY

Muskogee, Indian Territory, April 30, 1903.

Mansfield, McMarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lizzie O'Donnell, et al., of which decision you were advised by mail on the 21st day of January, 1903.

Respectfully,

SIGNED:

Tamm Dixby
Chairman

H.O.R. 6031.

COPY.

Muskogee, Indian Territory, April 30, 1903.

Lizzie O'Donnell,

Cotulla, Texas.

Dear Madam:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lizzie O'Donnell, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

(SIGNED)

James Dixby,
Chairman.

M.O.R. 6031.

COPY.

Muskogee, Indian Territory, April 30, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lizzie O'Donnell, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

(SIGNED)

Tamc Dixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date JUL 9 1907
 Name Lizzie O'Donnell
 Age 33 Blood dont know
 Post-Office, Cotulla, Tex.
 Father: James A. Perkins d
 Mother: Mary A. L
 Claims through father
 husband John O'Donnell L
 No claim for husband.
 For self as 6 children

Children:
 Oulah O'Donnell 13
 Herbert " 11
 Thomas " 9
 John " 5
 Michael " 3
 Roland " 1

Stenographer Clara M Wood

Choctaw MCR 6032

Maggie Davis

MCR 6032

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Maggie Davis, et al.,
for identification as Mississippi Choctaws, M.C.R. 6032.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Maggie Davis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Maggie Davis, et al., for identification as Mississippi Choctaws-----	7

-----0-----

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 9th, 1903.

#4032.

In the matter of the application of Maggie Davis for the identification of herself and her two minor children, Chauncey Milton, and Mary M. Davis, as Mississippi Choctaws.

A. S. McRae, Attorney for Applicant.

Maggie Davis, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Maggie Davis.
Q How old are you? A Twenty-six.
Q How much Choctaw blood do you claim? A One-fourth.
Q What is your post office address? A Muskogee, Indian Territory.
Q How long have you lived in Muskogee? A About four months.
Q Where did you live before that? A In Pontotoc County, Mississippi.
Q How long? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Dick Chilcoat.
Q Is your mother living? A Yes, sir.
Q What is her name? A Frances Chilcoat.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q Where does she live? A In Mississippi.
Q What County? A Pontotoc County.
Q How old is she? A Sixty-three.
Q Has she been before the Commission? A No, sir.
Q Was she a slave? A No, sir.
Q You claim she is one-half Choctaw? A Yes, sir.
Q Through which one of her parents did she get her Choctaw blood? A Her father.
Q What was his name? A Lewis Wilson.
Q Did you ever see him? A No, sir.
Q He was a full blood was he? A Yes, sir.
Q Where was he born? A In Mississippi.
Q How old would he be if now living? A He would be nearly 100 I guess.
Q You don't know how old he was when your mother was born? A No.
Q You are sure he lived in Mississippi? A All his life.
Q Did he have an Indian name? A I don't know.
Q Do you know the names of his parents? A No, sir.
Q What was your mother's mother's name? A Patsy Wilson.
Q Did your mother have a full brother? A Not that I knew of.
Q Did she have any full sisters? A I don't think she did.
Q How do you know whether Patsy Wilson was married to Lewis Wilson or not? A Yes, sir, she was.
Q What makes you think so? A Because mother spoke of him in that way.
Q How long did they live together? A I have no idea the number of years.

- Q Was Patsy a slave? A No, sir.
Q You are sure of that? A Mother said she was not.
Q Was Lewis a slave? A No, sir, he was a Choctaw Indian.
Q Was your mother ever recognized in any manner or enrolled as a Choctaw Indian? A No, sir.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q What is his name? A John M. Davis.
Q He has no Choctaw blood? A I don't know sir.
Q You make no claim for him? A No, sir.
Q How many children have you? A Two.
Q What are their names? A Chauncey Milton Davis, age 3 years, and Mary H. Davis, age 7 months.
Q Are they the children of yourself and John M. Davis? A Yes, sir.
Q Are they living with you at this time? A Yes.
Q This application then is for yourself and your two minor children? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls of Indian Territory? A No, sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
Q Did you, or any one for you, in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under act of June 10, 1896? A No, sir, not that I know of.
Q Then you have never been admitted to citizenship in the Choctaw Nation Indian Territory by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court for Indian Territory? A No, sir.
Q Has any application of any description been made before today for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in Choctaw lands under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27th, 1830, between the government of the United States and the Choctaw tribe of Indians. At that time the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of the Choctaws to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw Indians and the Chickasaw Indians, and is known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave the old Choctaw Nation and for the benefit of those who wished to remain article fourteen was put in the treaty. This article fourteen provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out to this new country might receive lands from the government. It is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over the age of ten years, and a quarter section to such child under the age of ten years, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that fourteenth article? A Yes, I think I do.
- Q Did any of your ancestors comply or attempt to comply with the provisions of that article fourteen, or receive any benefits thereunder? A I think my grand father did.
- Q You think he did? A Yes, sir.
- Q What makes you think so? A My mother tried to get land at that time.
- Q Did you ever hear your mother say that he got land under the fourteenth article of the treaty of 1830? A Yes, sir.
- Q When did you first hear of the treaty of Dancing Rabbit Creek? A This year.
- Q You never heard your mother say then that he got land under that treaty? A She did not call it that.
- Q You just now swore that your mother told you that her father got land under the treaty of Dancing Rabbit Creek? A I meant at the time they were giving out lands to Indians that were left there.
- Q What one of your ancestors lived there in the old Nation in 1830? A My grand father.
- Q Where did he live? A In Pontotoc County.
- Q Did he own an improvement there at that time? A I don't know sir.
- Q Did he, within six months after the ratification of the treaty of Dancing Rabbit Creek let the government agent know that he wanted to stay there and become a citizen of the States and take land? A I don't know whether he did or not.
- Q Did he ever receive any land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't think he did.
- Q Did he or any of your other ancestors remove to Indian Territory at the time of the removal of the main portion of the Choctaws between the years 1833 and 1838? A Not that I knew of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws

who did in fact let him know that they wanted to stay in Mississippi and become citizens of the states and take lands under this fourteenth article; and on this account the government at its public land sales in Mississippi and Alabama in many instances sold lands upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their lands had been sold by the government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before these Commissioners and attempt to establish their rights to Choctaw lands under this fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should finally be decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land some place else in Mississippi, Alabama, Louisiana or Arkansas, and he would be given a certificate therefor. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government? A No, sir.
 Q So far as you know then none of your ancestors ever received any benefits as Choctaw Indians? A No, sir.
 Q Do you know if any of them were recognized members of the Choctaw tribe of Indians in 1830? A No, sir.
 Q Do you know of any one living who would likely know if your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or received any benefits under that article? A I think I do.
 Q Who? A I think I can find out.
 Q You don't know of any one now? A No.
 Q You don't know of any written evidence which would prove or tend to prove such a state of facts? A No, sir.
 Q Have you any written evidence to offer now? A No, sir.
 Q Have you any witnesses? A No, sir.

If you should find any witnesses whose testimony you desire to have taken they can appear before the Commission within 15 days from this date for that purpose, or if you have any written evidence which you desire to present, such proper written evidence, if submitted within 15 days, will receive consideration.

- Q Are there any further statements you wish to make in support of your application? A I would like to see if my grand father's name is on the roll.

The records of the Commission containing the names of persons who complied or attempted to comply with the provisions of Article fourteen of the treaty of Dancing Rabbit Creek, or received benefits thereunder, examined and the name of Lewis Wilson, the grand father of this applicant, is not found thereon.

- Q Do you speak or understand the Choctaw language? A No, sir.
 Q Have you any brothers living? A Yes, sir.
 Q How many? A Three.
 Q What are their names? A James Chilcoat, Julius J. Chilcoat, and Wesley Irvin Chilcoat.
 Q Have you any sisters? A Mrs. M. L. Caesar.
 Q Where does she live? A In Pine Bluff, Arkansas.
 Q Have any of your brothers or sisters been before the Commission? A No, sir.
 Q Have you any brothers or sisters dead who left children? A One, Benjamin Chilcoat.
 Q How many children did he leave? A Three.
 Q What are their names? A Addie, Martha, and Ora.
 Q Has any application ever been made on their behalf to the Commission? A No, sir.

By Mr. McRae:

- Q I would ask you if you were ever informed through your family history whether or not your grand father, Lewis Wilson, ever received any benefits as a Choctaw Indian or was ever recognized in any way? A No, sir.

By the Commission:

- Q In your examination you said something about your mother having told you that her father tried to get land in the old Choctaw Nation. What did she tell you? A She told me about how he attempted to go to the Commission. I don't know just what language she used.
 Q How many times did she tell you this? A She often told me that.
 Q Now tell just what you knew or remember? A They were living a great ways from the Commission and she was telling about the river that my grand father had to cross; it was dangerous, and when he got there it was too late to be recognized.
 Q Did she tell you when this was? A In 1830.
 Q He tried to go before a Commission at that time? A Yes.
 Q Do you know how many Commissioners there were? A She did not say.
 Q Is that all you remember of her saying with regard to this matter? A That is all I remember.
 Q How long ago did this conversation take place? A I was small.
 Q How did you remember it so well? A You know we always remember things told us when we are children.

Applicant has the appearance of being a mixture of negro and white; shows no indication of Indian blood; her hair is black and inclined to be straight; does not speak or understand the Choctaw language, and has no knowledge of any active

compliance on the part of her ancestors with the provisions of
Article Fourteen of the treaty of Dancing Rabbit Creek.

R. B. Eisenberg, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported the proceedings had in the above entitled cause on the 9th day
of July, 1902, and that the above and foregoing is a full, true and
correct transcript of his stenographic notes taken in said cause on
said date.

R. B. Eisenberg

Subscribed and sworn to before me this 18 day of July, 1902.

Chas. L. V. Emerson

Notary Public.

COPY

W.A.L.

C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maggie Davis, et al.,
for identification as Mississippi Choctaws, M.C.B. 6032.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Maggie Davis for herself and her two minor children, Mary M. and Chauncey Milton Davis, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Lewis Wilson, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. 381).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lewis Wilson, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (6 Stat. 183) and August 23, 1848 (6 Stat. 513).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Maggie Davis, Mary E. Davis and Chassey Milton Davis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tamr Pixoy

Acting Chairman

T. B. Nease

Commissioner

C. R. Brockington

Commissioner

Washoe, Indian Territory

JAN 6 1903

OFFICE

Muskogee, Indian Territory, January 6, 1903.

Mansfield, Mc Murray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Davis, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie Davis, Mary H. Davis and Chauncey Milton Davis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

JAMES DICKY

Acting Chairman.

DOPT

M.C.R. 0032

Muskogee, Indian Territory, January 6, 1903.

A. S. McKee,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Davis, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie Davis, Mary E. Davis and Chassey Milton Davis as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

like the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Attest: _____

Registered.

Muskogee, Indian Territory, January 6, 1903.

Maggie Davis,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Davis, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maggie Davis, Mary N. Davis and Chauncey Elton Davis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the
case together with such arguments will be forwarded to the Secre-

I am, Sir,

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Maggie Davis, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 8, 1905.

The Commission has the honor to report that the applicants herein, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

SIGNED:

I. B. Neelke

Commissioner in Charge.

Through the Commissioner of
Indian Affairs.

Enc. M.C.R. 6032.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
6028-1903.

May 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for departmental consideration record of the Commission to the Five Civilized Tribes in the matter of the application of Maggie Davis for herself and her two minor children Mary N. and Chauncey Milton Davis, for identification as Mississippi Choctaws wherein the Commission entered a decision rejecting them on January 6, 1903.

The record in this case shows that the parties base their claim to a right to identification on their descent from Lewis Wilson and his wife, Patsy Wilson, whom they claim were members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830, and as such complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of that year.

An examination of the records of this office have been made with reference to the names of the ancestors to whom these persons claim and it is ascertained that there was a Lewis Wilson sometimes given as Lue, who was granted a reservation to wit, the SE/4 of Sec. 31, T. 13 N. R. 5 E., in Attala County, Mississippi, under the 19th article of the ^{Choctaw} treaty.

So far as the records of this office show he never complied

or attempted to comply with the provisions of the 14th article of the treaty. There was a Tom Wilson in behalf of whom scrip was issued under the 14th article and of his four step children whose names were, Pe-sha-te-nubbee, Chuffa-tubbee, Carson and Ish-tun-a-soya, the latter being a female. There was also a Hanna Wilson who applied for land under the 14th article, but was rejected because of failure to fully comply with the provisions of the 14th article of the treaty, her children were named Im-mi-cha-henah, a female who died without issue, Un-moon-pl-ha-nah, female. Her husband's name was Pah-lubbee, so that in order to have the name of Wilson she must have been born with that name, as will be seen by the facts herein. It is immaterial whether the ancestor of the applicants was the Lewis Wilson, who was a member of the Choctaw Tribe of Indians in 1830, or not, since under the present legislation no person is entitled to identification as a Mississippi Choctaw, whose ancestors did not comply or attempt to comply with the provisions of the 14th article of the Choctaw treaty.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

MBH-R

COPY.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WKF
HAF

D. C. 15251

ITD 4436-1903.

May 19, 1903.

L R 8

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

January 22, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Maggie Davis and her minor children, Mary H. and Chauncey Milton Davis, including your decision of January 6, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of their descent from Lewis Wilson, the maternal grandfather of the principal applicant.

The testimony as furnished by the record fails to show that Lewis Wilson ever complied or attempted to comply with the provisions of article 14 of said treaty or with the subsequent acts of Congress relating thereto. The records of the Indian Office show that one Lewis Wilson (sometimes given as Lue) was granted a reservation in Attala County, Mississippi, under the 19th article of the Choctaw treaty. Said record does not show that

Lewis Wilson ever complied or attempted to comply with article 14 of said treaty. There was a Tom Wilson who received scrip under the 14th article for himself and four stepchildren, whose names were Pe-sha-to-nubbee, Chuffa-tubbee, Garson and Ish-tur-a-soya. There was also a Hanna Wilson who applied for land under article 14, but was rejected because of failure to comply with the provisions of said article. Her children were named Im-mi-sha-henah and Un-neom-pli-ha-nah.

It is evident, therefore that neither the evidence as furnished by the records in this case nor the records of the Indian Office regarding Tom Wilson or Hanna Wilson are sufficient to establish the claim of the applicants for identification as Mississippi Cheetaws.

The Acting Commissioner of Indian Affairs reporting May 14, 1903, recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

(SIGNED) THOS RYAN,
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 6032.

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McMurray & Gerniah,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Davis, et al., of which decision you were advised by mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 6032.

COPY.

Muskegee, Indian Territory, July 11, 1903

A. S. McRae,

Attorney-at-Law,

Muskegee, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Davis, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES. H.C.B. 6032.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 11, 1903.

Maggie Davis,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 19th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Davis, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,



Commissioner in Charge.



RESIDENT AGENT
HARTFORD FIRE INSURANCE CO.
INCORPORATED 1862.
LOSSES PAID \$183,000,000.00.

1-4973

Office of
Frank Emanuel
Insurance

Sulphur, Okla.,
WASHINGTON, D. C. August 10, 1910.

Land Allotments
53933-1910.
G R

Rights as
Chockataw Indian.

Mrs. Margaret Evans,
Care, "Sulphur Democrat,"
Sulphur, Oklahoma.

Madam:

In response to your request to be advised as to the present status of the application of yourself and three children to be enrolled as citizens of the Chockataw Nation, you are advised that your communication has this day been referred to the Commissioner to the Five Civilized Tribes, who will advise you in the matter as he has the complete records as to the applications for enrollment in his custody.

Any further communication on the subject should be sent to the above named official at the address given. Envelope returned.

Very respectfully,

John R. Reeves.

Acting Chief Land Division.

S-SW-9
11542

COPY.

COPY.



RESIDENT AGENT
HARTFORD FIRE INSURANCE CO.
INCORPORATED 1862.
LOSSES PAID \$188,000,000.00.

Office of
Frank Emanuel
Insurance

Sulphur, Okla.,

November 10, 1910.

Mr. J. George Wright,
Muskogee, Oklahoma.

Sir:

Mrs. Margaret Evans, whose name was Margaret Davis before marrying James Evans, has called upon me and requested that I take the matter up with you as to her present status of application of herself and three children to be enrolled as citizens of the Choctaw Nation.

She says she has written to the Secretary of the Interior in regard to the matter, and presents to me a letter from him in regard to the matter, a copy of which I attach hereto. You will note that the Department in Washington advises her to take the matter up with your department, and in fact, it seems that they have referred it to you.

This party is uneducated, and cannot read nor write, therefore my reason for writing for her. The following are the facts as to her life's history. -- She is 25 years of age, calculated from Feb'y 24th 1885. Her Indian blood comes from her great-grandmother whose name was Sutta Thompson, whom was a full-blood Choctaw. It seems that Mary Chandler, her Aunt, made application to the Dawes Commission in 1890 to have her placed upon the roll, and the fact of the matter is, she doesn't know whether or not she has ever been placed upon the roll. She also presents a letter from an Attorney in Washington by the name of Webster Ballinger bearing date of September 21, 1910, in which he says that he will be in Muskogee about Oct 1st. Perhaps this information will aid you in looking into the records.

I am not a lawyer, nor have I any interest in this affair, so in order to get the exact standing of her rights, I will greatly appreciate it if you will advise me how I shall advise her to proceed to get her rights as a citizen, without being held up by some grafter. I met Wright personally while in our city some few weeks ago, and I feel sure that he will render any assistance that he possibly can.

Yours truly,

Frank Emanuel

FE/LEB.

Howle, P. A.
Hugo, Okla.,
Choc+aw Nation,
Nov. 12, 1910.

Encls. ck. for \$130.00 in pay-
ment for cert. land purchased
by George Brown and son, Henry
Brown.

130-

42

REPRESENTING



A MODERN COMPANY
BEGINNING ITS FIRST CENTURY

OFFICE OF

HOWLE & OAKES FIRE INSURANCE

HUGO, OKLA. NOV 12 1910

Dear Mr. Wright Comd
Mustogee Okla
Oklahoma

Enclosed I hand you
my ck for \$130⁰⁰ for
George Brown & Sam Henry Brown
for 40 acres of land
notice attached to check
Please mail these land papers
to these parties in my
care at Hugo Okla

Yours Respt
J A Howle

Mrs. Royce. J. L.

Nov. 25. 1902.

Received of the "Commission to the Five Civilized Tribes"
one Copy of testimony. M. C. R. Maggie Davis. 6032.

A. S. M. R.

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 12 1903

[Handwritten signature]

CHAIRMAN

General Office MEX.

Notice that Sec. of Int. has affirmed
decision of Commission.....



Agree, Indian Territory.



Penalty for private use

Department of the Interior
Commissioner of the Bureau of Indian Affairs
Muskogee, Indian Territory

For Identification as a Mississippi Choctaw.

Date JUL 9 1902
Name Maggie Davis

Age 26 Blood 1/4

Post-Office, Muskogee, J.T.

Father: Dick Chilcoat d

Mother: Frances " L

Claims through mother.

husband John M. Davis L
no claim for husband.

For self and 2 children

Children:
Chauncey M. Davis 3
Mary N. " 7 mo

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

MAR 10 1903



ACTING CHAIRMAN.

Choctaw MCR 6033

Fannie New

MCR 6033

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Fannie New, et al., for
identification as Mississippi Choctaws, M.C.R. 4033.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Fannie New, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Fannie New, et al., for identifi- cation as Mississippi Choctaws-----	7

---0---

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 9th, 1902.

#6053.

In the matter of the application of Fannie New for the identification of herself and her four minor children, Hazel A. Hinton, Giles E., Mitchell, and Ruby P. New, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for Applicants.

Fannie New, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Fannie New.
Q How old are you? A Thirty-four.
Q How much Choctaw blood do you claim? A One-eighth.
Q What is your post office address? A Duncan, Indian Territory.
Q How long have you lived in Indian Territory? A Eight years.
Q Where did you live before that? A In Texas.
Q How long did you live there? A I was born and raised in Texas.
Q Is your father living? A Yes, sir.
Q What is his name? A Giles C. Wells.
Q Is your mother living? A Yes, sir.
Q What is her name? A Charletta Wells.
Q Through which one of your parents do you claim your Choctaw blood? A My father's side.
Q Has your father been before this Commission? A No.
Q About how old is he? A Seventy. He will be 71 the 23rd of December.
Q Did your father have any brothers or sisters? A Yes, sir. My father was the fifth child.
Q Where was he born? A In Mississippi, in Madison County, if I am not mistaken.
Q How long did he live in Mississippi? A Until he was 32. He was either 30 or 32 when he came to Texas.
Q He never lived in Indian Territory? A No, sir.
Q He was never recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A No, sir.
Q Through which one of his parents did he get his Choctaw blood? A On his mother's side of the house.
Q What was her name? A Eliza Wells.
Q What was her maiden name? A Middleton.
Q How much Choctaw blood did she have? A One-half.
Q Did she have a Choctaw name? A That I don't know.
Q Was she born in Mississippi? A Yes.
Q Did she live there all her life? A Yes, sir.
Q Did she live there all her life? A Yes, sir.
Q Do you know the names of her parents? A Her parents were Backets.
Q What was the given name of Eliza's father? A That I could not tell.
Q What was the given name of her mother? A I don't know that.

- Q Which one was a Choctaw? A Her mother.
 Q Did she have a Choctaw name? A I don't know anything about that.
 Q Were your father and mother legally married? A Yes, sir.
 Q Are they living together now? A Yes, sir.
 Q How long have they been living together? A About 25 years.

It will be well for you to furnish the Commission with evidence of the marriage of your father and mother. You will be allowed 15 days in which to furnish same.

- Q Are you married? A Yes, sir.
 Q Is your husband living? A Yes, sir.
 Q What is his name? A Richard Hew.
 Q Has he any Choctaw blood? A No, sir.
 Q You make no claim for him? A No, sir.
 Q How many children have you? A We have four. I have been married two times.
 Q How many children have you altogether? A I have just four living and one dead.
 Q What are the names of your children? A Hazel A. Hinton, 13 years old.
 Q What is the name of her father? A Jack Hinton.
 Q Did he have any Choctaw blood? A Not that I heard them speak of.
 Q Is he dead? A I don't know if he is or not. I cannot say whether he is or not.
 Q How long is it since you have seen him or heard from him? A I have not seen him since this girl was 15 months old.
 Q Were you divorced? A Yes.
 Q Who did you get the divorce from? A It has been about 10 years ago.
 Q What is the names of your other children? A Giles H. Hew, 7 years old; Mitchell Hew, 5 years old, and Ruby P. Hew, 3 years old.
 Q These children are living with you at this time are they? A Yes, sir.
 Q The three youngest are the children of yourself and Richard Hew? A Yes, sir.
 Q This application then is for yourself and your four minor children? A Yes, sir.
 Q Is your name or the name of any of these children to be found on the Choctaw tribal rolls of Indian Territory? A No, sir.
 Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of that tribe? A No, sir.
 Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship for either yourself or these children in the Choctaw Nation Indian Territory? A No, sir.
 Q Then neither yourself or any of these children have ever been admitted to citizenship in the Choctaw Nation Indian Territory by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No, sir.
 Q Has any application of any description been made before to-day in your behalf or any of your children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
 Q You appear before the Commission at this time for the purpose of claiming rights in Choctaw lands in Indian Territory for your-

self and four minor children under article fourteen of the treaty of Dancing Rabbit Creek? (No answer)

I will state to you that the Commission is hearing claims under the fourteenth article of the treaty of Dancing Rabbit Creek. This treaty was made between the government of the United States and the Choctaw tribe of Indians on the 27th day of September, 1830.

- Q Do you want to claim under that article? A I suppose so. I have always been taught that my grand mother was a Choctaw.
- Q You want to claim as a Mississippi Choctaw? A Yes, sir.

The treaty of Dancing Rabbit Creek, as I have just stated, was entered into down in Mississippi on the 27th day of September 1830. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of Alabama. The object was to get the Choctaws to remove from the old Nation in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the Choctaw Indians and Chickasaw Indians and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of these who wanted to remain what is known as Article fourteen was put in the treaty. That article provided that under certain conditions Choctaws who wanted to remain in the old Nation and not go to this new country might receive lands there. It is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over the age of ten years, and a quarter section to such child under the age of ten years, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you think you understand that fourteenth article? A Now did I understand you to say----I don't know or not. I think I understand it.
- Q Did any of your ancestors own an improvement back there in the old Nation in 1830 when this treaty was made? A I could not swear to that.
- Q Do you know whether any of them lived there at that time. A They were Mississippians; they were born there; if they left there I don't know of it.

- Q Now your father's mother was the head of a family in 1830? A She was bound to be.
- Q You think then she was living there at that time? A Yes.
- Q Now do you know whether she, or any one for her, let the Agent there know that she wanted to remain in the old Nation and become a citizen of the States and take land there? A No, sir, that is something I don't know anything about.
- Q Do you know whether she or any of her ancestors ever received or claimed any land from the United States government under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Did you ever hear of any of your people having gotten any land from the government as Choctaw Indians? A No, sir.
- Q Did any of your Choctaw ancestors remove to the Indian Territory at the time of the removal of the greater portion of the Indians to this country between the years 1833 and 1838? A I don't know whether they did or did not.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay in Mississippi and become citizens of the States and take lands under this fourteenth article; and on this account the government at its public land sales in Mississippi and Alabama in many instances sold lands upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their lands had been sold to the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your Ancestors appear before any of these Commissioners and attempt to establish their rights to Choctaw lands under this fourteenth article of the treaty of Dancing Rabbit Creek? A I could not say because I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in place thereof vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas, and that he should be given a certificate therefor. These certificates were called scrip.

- Q Do you know of any of your ancestors getting any of this scrip?
A No, sir.
- Q Do you know of any old persons living who would likely know if your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir. My father more than likely knows, but I have not seen him lately. He is in Texas and I am here.
- Q Have you any written evidence to offer at this time in support of your application? A No, sir.
- Q Have you any witnesses here to-day? A No, sir.
- Q Should you find any witnesses you wish to have testify they can appear here within 15 days from this date and their testimony will be taken, or if you wish to submit any written evidence, such proper written evidence, if submitted within 15 days, will receive the consideration of the Commission.
- Q Is there any further statement you wish to make at this time in support of your application? A I don't know of anything more than that I have always been taught from childhood that I have Choctaw blood.

By Mr. Harrison:

- Q Which of your ancestors, if you remember, had an Indian name and what was that Indian name? A I have answered that, the name was Basket.
- Q Which ancestor was known as Basket? A My father's grand mother.
- Q Your father's mother? A Yes, sir.
- Q Did you ever hear her being called by any other Indian name than by Basket? A No, sir.
- Q What is your father's address? A Throckmorton, Tennessee.

By the Commission:

- Q You don't speak or understand the Choctaw language? A No, sir.
- Q Have you any brother's living? A Yes, sir.
- Q What are their names? A Wesley W. Wells, Thomas H. Wells, Walter L. Wells, Bennie F. Wells, and Roy E. Wells.
- Q Have you any sisters? A Two. Hattie Annette Brown, and Pearl A. Wells.
- Q Have you any brothers dead who left children? A No, sir.
- Q Have you any sisters dead who left children? A No, sir.
- Q Has your father any brothers or sisters living? A I don't know; he may have a sister living.
- Q What is the name of the sister? A Ophelia Denton.
- Q Where does she live? A Amity, Arkansas.
- Q Has she been before the Commission? A No, sir.
- Q Did any of your father's deceased brothers leave any children who are living now? A No, sir; I don't know.
- Q Did he have any other sisters? A Yes, sir, but I don't think any of them were married.
- Q None of your relatives have been before the Commission? A No.

-2-

This applicant has the appearance of being a white woman; shows no indication of Indian blood; hair inclined to light; has light complexion and gray eyes; does not speak or understand the Choctaw language, and has no knowledge of any active compliance on the part of her ancestors with the provisions of Article fourteen of the treaty of Dancing Rabbit Creek.

-2-

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 9th day of July 1902, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 18 day of July, 1902.

Guy L. V. Emerson

Notary Public.

This applicant has the appearance of being a white woman; shows no indication of Indian blood; hair inclined to light; has light complexion and gray eyes; does not speak or understand the Chectaw language, and has no knowledge of any active compliance on the part of her ancestors with the provisions of Article fourteen of the treaty of Dancing Rabbit Creek.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 9th day of July 1902, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 18 day of July, 1902.

Chas. L. V. Emerson

Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Fannie New, et al., for
identification as Mississippi Choctaws, M.C.R. 6032.

--- DECISION ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Fannie New for herself and her four minor children, Hazel A. Hinton, Giles N. New, Mitchell New and Ruby P. New, under the following provision of the act of Congress approved June 22, 1902, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Eliza Wells (nee Middleton), who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty. The principal applicant testifies that the parents of the said Eliza Wells (nee Middleton) "were Baskets," but as said applicant had previously stated that the maiden name of the said Eliza Wells was Middleton, it cannot be considered that Baskets was the surname of her parents. However, in order that every possible right as Mississippi Choctaws which these applicants may have shall be fully adjudicated, the name of Baskets will also be considered as one of the names of the Choctaw ancestor through whom said applicants claim.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a dulyconstituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Eliza Wells (nee Middleton or

Baskets), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie New, Hazel A. Minton, Giles H. New, Mitchell New and Ruby F. New as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 21 1903

CCPY.

N.O.R. 6033.

Muskogee, Indian Territory, January 21, 1903.

Fannie New,

Duncan, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie New, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie New, Hazel A. Hinton, Giles H. New, Mitchell New and Ruby P. New as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

V. H. # 2.

case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. B. Neelley

Commissioner in Charge.

Registered.

COPY

H.C.R. 6033.

Muskogee, Indian Territory, January 21, 1903.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie New, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of June 23, 1896 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie New, Hazel A. Hinton, Giles H. New, Mitchell New and Ruby F. New as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

P. A. H. # 2.

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

Registered.

COPY

H.C.R. 6033.

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie New, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 496).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie New, Hazel A. Hinton, Giles H. New, Mitchell New and Ruby P. New as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. D. Jones.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Fannie New, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 21, 1903.

The Commission has the honor to report that the principal applicant herein, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge

Through the
Commissioner of Indian Affairs.

Enc. M:O.R. 6033

(COPY)

Land
18103-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

March 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaw of Fannie New, for herself and her four children, Hazel A. Hinton, Giles H. New, Mitchell New and Baby P. New, wherein a decision adverse to the applicants was rendered by the Commission on January 21, 1903.

The office has examined the evidence in this case and finds that the claim to identification made by these parties rests on their descent from one, Eliza Wells, nee Middleton, who, it is alleged, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The decision of the Commission is made adversely to these applicants for the reason that its records fail to show that Eliza Wells (nee Middleton, or Baskets), or applicants is founded on the fact that the records of the commission fail to show that the name

of Caroline Gswalt (nee Roll), or in fact, any person bearing the name of Roll, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made for the name of Roll, and for the name of Caroline Gswalt, nee Roll, and it is not found included in the list of those persons who complied, or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. Tomer,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

(COPY)

B S 9010-1903.

DEPARTMENT OF THE INTERIOR.

RAF.

ITD.2502-1903.

Washington.

L.R.S.

March 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 4, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Emma New and her minor children, Hazel A. Minton, Giles H. New, Mitchell New and Ruby P. New, including your decision of January 21, 1903, refusing the application.

The applicants claim to be descendants of Eliza Wells (nee Middleton or Baskets), alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Eliza Wells, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 160), and August 23, 1842 (5 Stat., 513).

Reporting March 2, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision and it is accordingly affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4033

COPY.

Washkago, Indian Territory, April 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Washkago, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie New, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge.

M.C.R. 6033-

COPY:

Muskogee, Indian Territory, April 6, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie New, et al., of which decision you were advised by mail on the 21st day of January, 1903.

Respectfully,

(SIGNED)

C. R. Breckinridge
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 6, 1903.

Fannie New,

Duncan, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie New, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

(SIGNED).

C. R. Breckinridge,
Commissioner in Charge.

No.

6033

For Identification as a Mississippi Choctaw.

Date

2061

6

700

1902

Name

Fannie New

Age

34

Blood

1/8

Post-Office,

Auncan, S.T.

Father:

Giles C. Wells.

Mother:

Charlotta "

Claims through

husbands

Father.

Richard New

No Choctaw blood

No claim.

Children:

Hazel A. Kinton

13

Father Jack " (No Choctaw blood)

Giles H. New

7

Mitchell "

5

Ruby P "

1

Stenographer

R. B. Eisenberg

Choctaw MCR 6034

David T. Smith

MCR 6034

11-000
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David T. Smith, et al.,
for identification as Mississippi Choctaws, M: C. R. 6034.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of David T. Smith, et al.

	Page.
Original application of David T. Smith, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Certified copy of marriage record between David T. Smith and Bettie Breeding,.....	10
Decision of the Commission to the Five Civilized Tribes, Refusing the application of David T. Smith, et al., for identification as Mississippi Choctaws,.....	11

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 10, 1902.

---0---

In the matter of the application of David T. Smith
for the identification of himself and his five minor children
Rosa, Rosa, Ben Peck, Clarence and Olive O. Smith as
Mississippi Choctaws.

---0---

David T. Smith being first duly sworn testified as follows:

Examination by the Commission:

- Q Give us your full name again please? A David T. Smith.
Q How old are you Mr. Smith? A Fifty four.
Q How much Choctaw blood have you? A Well my grand father was
a quarter the best I know.
Q And the Choctaw blood just comes from one side of your
family? A Yes sir.
Q That would make you one sixteenth wouldn't it? A Yes sir;
I believe so.
Q What is your post office address? A Foss, Oklahoma.
Q How long have you lived in Oklahoma? A I've lived there
about nine years.
Q Where did you live before that? A Texas.
Q How long did you live in Texas? A I was born in Texas,
lived there all the time until I come to Oklahoma.
Q Is your father living? A No sir.
Q What was his name? A His name was James Smith.
Q Is your mother living? A No sir.
Q What was her name? A Her name before she married was
Margaret Connally.
Q Through which one of your parents do you get your Choctaw
blood? A Father.
Q How old a man would he be if living now Mr. Smith?
A He was born in eighteen - my understanding was that he was
born in eighteen and fifteen.
Q Where was he born? A In Alabama; I think eastern Alabama.
Q Do you know the country in which he was born? A No sir I
don't.
Q How long did he live there in eastern Alabama? A Why he
lived there until forty one in my understanding - he went
to Texas.
Q You never heard of his having lived in Mississippi did you?
A Why my grandfather lived in Mississippi. I don't know whether
my father did or not.
Q Your grandfather lived there before your father was born?
A Yes sir.
Q Were your father and mother lawfully married? A Yes sir;
that's my understanding.
Q How long did they live together as husband and wife? A Why
they lived together I think about twenty years, eighteen or
twenty. Yes sir, before she died.
Q How many children were born to them? A I think there was
seven.

David T. Smith--2.

Q They lived together until her death? A Her death.

It will be necessary that you furnish the Commission with evidence of the marriage of your father and mother; you will be allowed a period of fifteen days in which to furnish such evidence.

A Now in case I cant get the certificate I suppose I will be allowed to bring proof that they lived together as man and wife.

If you cant get the original marriage license and certificate possibly you can get a certified copy of it and if you cant get a certified copy you may find someone who was present; the affidavits of two disinterested persons who saw them married will be satisfactory and if you cant do that the next thing will be to secure the affidavits of two disinterested persons to the effect that they lived together for this period of time as husband and wife and were so considered by the community.

A I can do that I know.

Q Through which one of his parents did your father get his Choctaw blood? A His father.

Q What was his name? A His name was Isom Smith.

Q You claim Isom was a quarter blood? A Yes sir.

Q What was your father's mother's name? A Her given name was Be tsey.

Q She was a white woman? A Yes sir.

Q Where was Isom born? A My understanding was he was born in Mississippi.

Q How do you know about what time he moved to the state of Mississippi and went over in the state of Alabama?

A No sir I dont.

Q How long before your father was born did he leave that state?

A Why I dont know that exactly but about - well I will say about four or five years.

Q Before the birth of your father? A Yes sir.

Q That would make it about eighteen hundred and ten when he left Mississippi and went to the eastern part of Alabama.

A Yes sir he moved backwards and forwarded; but he was living through there; part of the time in Alabama and part in Mississippi.

Q That was prior to your father's birth? A Yes sir - well after my father's birth; I dont know whether my father ever lived in Mississippi but I rather think they did live in Mississippi while my father was alive.

Q You dont know just the time? A No sir; I dont know just what year but I've heard my father speak of being in Mississippi.

Q How many brother s and sisters did your father have?

A Well I could name them or ar; I dont remember exactly the number; I can call their names.

Q Name them over. A My father's name was James Smith, the next was John Smith, the next was Bird Smith, the next was Mary, the next was Elizabeth and Harber, the next was William and Strawberry and David; that was all; if there was any other I never heard of them.

Q Do you know how long Isom and Betsey lived together as husband and wife? A Well they lived together from the time they was married and my understanding was they was married in eighteen and fourteen and lived together I still he died in

David T. Smith--3.

sixty eight or sixty nine I forget which.

It would be well for you to furnish the Commission with such evidence as you may be able to procure proving or tending to prove the marriage of your grand father and grandmother Isaac Smith and Betsey; you will be allowed a period of fifteen days in which to produce such evidence..

- A I think my grandfather and grandmother was married in Tennessee.
- Q Through which one of his parents did you get his Choctaw blood? A I never did learn; I dont think I ever heard him say.
- Q You dont know the names of either of them do you? A No sir I dont know the names of either of them.
- Q Your father was never recognized or enrolled as a citizen of the Choctaw Nation Indian Territory was he? A I dont know.
- Q He never was out here was he? A Not No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A My wife's name?
- Q Yes. A Her names Bettie.
- Q Has she any Choctaw blood? A Not
- Q Yes? A Not that I know of.
- Q You make no claim for her? A No sir I make no claim for her.
- Q Have you any children living who are under age and not married? A Yes sir.
- Q How many? A Five.
- Q What are their names and ages? A Rosa, eighteen. Rose, sixteen.
- Q A boy? A Yes sir.
- Q How old? A Ben Peck.
- Q How old? A He's twelve.
- Q The next one? A Clarence, ten.
- Q Next one? A Olivia O.
- Q That's a girl is it? A Yes sir she's six.
- Q That all your children under age? A Yes sir; I got one more married.
- Q Are these five children living with you at this time? A Yes sir.
- Q Are they the children of yourself and Bettie Smith? A Yes sir.
- Q This application then is for yourself and five minor children yes sir.
- Q Have you been married more than once? A No sir.
- Q Has your wife been married more than once? A No sir.
- Q Were you married to her under a license? A Yes sir.
- Q When? A In seventy-seven.
- Q Where? A At Genesee Texas.
- Q Have you a copy of the license? A Yes sir.
- Q You present here an instrument which purports to be a certified copy of the marriage license and certificate of David T. Smith and Bettie Breeding. You are the David T. Smith referred to in this license? A Yes sir.
- Q And Bettie Breeding is your present wife? A Yes sir.

Certified copy of the marriage license of David T. Smith and Bettie Breeding is offered in evidence identified as exhibit A filed and made a part of the record in this case

David T. Smith-- 4.

- Q How many children have you of age W. Smith? A One.
- Q What's the name of that child? A Hettie Davis now.
- Q Has she ever been before the Commission? A No sir.
- Q She being married of course you cannot be permitted to make application for her; if she desires to have application made in her behalf for identification as a Mississippi she will have to appear before us in person.
- Q Can't her husband come and do it for her if she's not able to come?
- Q She better come personally if she possibly can.
- Q I don't believe she's able to come.
- Q It might be that she would be within a few days; the only way her husband could make application would be by power of attorney and he would have to have an affidavit from a physician that she is unable to come and will not be able to come within a reasonable time before he would be permitted to make application for her.
- Q Is your name or the name of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory. A My name? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian territory for yourself or anyone of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to this commission for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896? A Not that I know of.
- Q Have you ever made any application of any kind before today for yourself or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Then you have never - nor any of your children - been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctawlands in Indian Territory for yourself and five minor children under article fourteen of the treaty of Dancing Rabbit Creek?
- A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian territory. At the time this treaty was made some of the Indians were unwilling to leave the old nation back there and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article is as follows; I will quote that to you just as it was put into the treaty seventy two years ago:

David T. Smith --5.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek? Do you understand that?
- A I believe I do. Yes sir; I understand it.
- Q You think you do? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any land back there in the old nation under its provisions? A I don't know whether they ever did or not; if they did I never did hear of it.
- Q Do you know whether any of them lived in the old nation in 1830 when this treaty was made; that was when your father was fifteen years old.
- A They lived there in that part of the country; somewhere in Mississippi or Alabama; they moved from eastern Alabama there in 1841 is my understanding; they moved to Texas from that part of the country.
- Q But you don't know just where they were in 1830? A I don't know; they were living right in that part of the country but just what county I don't know - either in Mississippi or Alabama; right there on the line.
- Q On the line between Mississippi and Alabama? A Some where near the line.
- Q I understood you to say eastern Alabama; did you say eastern or western Alabama? A It was in Alabama there somewhere; on the line between Mississippi and Alabama; I don't know the location of Alabama; never been there; I just heard them speak of being in Alabama.
- Q Do you know whether any of your ancestors in 1830 when this treaty was made owned an improvement in the old nation?
- A No sir I don't.
- Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was made let the agent for the government in Mississippi for the Choctaws know they wanted to stay in Mississippi become citizens of the states and take land? A No sir I don't know; of course my father was a boy at that time and I never heard him say.

David T. Smith--6.

- Q Do you know whether any of them removed to the present Choctaw nation in Indian territory when the greater portion of the tribe moved between the years 1833 and 1837?
- A No sir, I'm satisfied they didn't because they moved direct to Texas.
- Q You never heard of any of your ancestors ever having gotten any land from the government back there? A No sir I never did.

In accordance with the provisions of this fourteenth article of the treaty of panicking Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know they wanted to stay there and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go to the state of Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of this fourteenth article of the treaty of panicking Rabbit Creek but their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between the years 1837 and 1842 and heard a great many of these cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of panicking Rabbit Creek?
- A I don't know whether they did or not; I've heard my father speak of that treaty though; he was there; I remember his talking about it but whether they did or not he never did let me know.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of panicking Rabbit Creek but that his land had been sold by the government; he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi or Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrips; did any of your ancestors ever get any of this scrip from the government under this act of Congress?

A I don't know whether they ever did or not; I never did see any of it.

- Q You never heard of them getting any? A Never heard of them

David T. Smith--7.

Q speak of it. If I have heard I've forgotten it; I don't remember.

Q You never heard then of any of your people ever having gotten any benefits as Choctaws? A No sir.

Q Do you know whether any of them were in 1830 when this treaty was made recognized member of the Choctaw tribe of Indians? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of pacing rabbit creek or ever received any benefits under that article? A No sir; I don't know of any old people; of course they have old acquaintances that are still living there; there was some that knew them there that's in Texas; whether they know anything about that I don't know; they were quite young then and probably wouldn't know anything about that.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A No sir.

Q Have you any witnesses to testify in your behalf here today?

A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from today and their testimony will be taken; or if you desire to offer any written evidence such as paper written evidence as may be offered in fifteen days will receive the consideration of the Commission.

A Now in case I fail to get this evidence of my father's and mother's marriage and living together as man and wife I suppose the time will be extended for me.

You make your best effort to get it in fifteen days and if you can't get it in that time write the Commission a day or two before that time and ask them for an extension of time and it is possible the time will be granted.

Q Is there anything farther you want to say? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any brothers living? A Yes sir I have one brother.

Q What is his name? A Bird Smith.

Q Where does he live? A He lives in Texas.

Q Has he been before this Commission? A No sir I think not.

Q Have you any sisters living? A I have one.

Q What's her name? A Her name's Bettie Sharp.

Q Has she been before the Commission? A No sir I think not; she lives in Texas.

Q Did any of your deceased brothers leave children? A Yes sir one.

Q What was the name of that brother? A His name was James E. Smith.

Q How many of his children are living now? A I think there's seven; I don't know the ages of them; none of them.

Q Can you give their names? A I can give part of their names.

David T. Smith--4.

The oldest is a boy named Clyde. The next was Lela; she may be married; the next one was Eva, girl; the next one is Ernest; the next one is Lottie; the next one is Janie and John.

Q Do you know whether any of them have been before this Commission? A I think not; I don't know.

Q None of your other brothers who are deceased left children? A No sir.

Q Have you any deceased sisters who left children? A No sir.

Q Did any of your father's brothers leave children? A Father's brothers?

Q Yes sir. A Yes sir I think there's quite a number of them but I don't know who they were nor where they are at all of them.

Q What's the name of the oldest of your father's deceased brothers who left children? A Well the oldest child was John Smith.

Q How many children did he leave? A I don't know.

Q Do you know the names of any of them? A I know the names of about three of the oldest is all. Chris Smith; I think he's dead; he left children; I don't know the names of his children. Emma Smith and Frankie; they married; they were girls; I don't know who they married.

Q What's the name of the next one of your father's deceased brothers who left children? A Harbor Smith.

Q How many did he leave? A Left three.

Q Do you know their names? A Bird Smith; Tinnie Smith. The next one? A Bessie.

Q Are they married? A Yes sir; married.

Q Do you know their married names? A Well Bird Smith married a girl by the name of Gaton.

Q I want his sisters married names.

A One of them married Earl; Tinnie married Earl; Bessie married McDaniel. I never saw her.

Q What's the name of the next one of your father's deceased brothers who left children? A Strawther.

Q How many children did he leave; what are their names?

A Bird; William and Frank.

Q Are they living? A Yes sir; was the last I heard of them in Texas.

Q What's the name of the next of your father's deceased brothers who left children? A Well there was two other brothers but they are still living. William and David are still living; I don't know how many children they had.

Q They are your father's full brothers? A Yes sir.

Q Where do they live? A In Texas the last account I heard of them.

Q You don't know whether they have been before the Commission or not? A No sir.

Q Did your father have any deceased sisters who left children? A Yes sir once.

Q What was her name? A Mary McKlye.

Q How many of her children are living? A I don't think there's but two living.

Q What are their names? A Fannie Wafford and William McKlye.

Q Where do they live? A They live in Texas.

Q Have they ever been before the Commission - do you know?

A Not that I know of.

David T. Smith--9.

- Q Did your father have any other sisters?
A Yes sir.
Q What are their names? A She married a man named Murphy.
Q What is her given name? A Elizabeth.
Q Where does she live? A In Texas.
Q Has she ever been before the Commission? A Not that I know of.
Q Is that all your father's sisters? A Yes sir.

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This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; his hair is gray; has rather dark complexion and blue eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of July 1902, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 17 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David T. Smith, et al.,
for identification as Mississippi Choctaws, H. C. R. 4034.

[- I D E C I S I O N -]

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by David T. Smith for himself and his five minor children, Ross, Ross, Ben Peck, Clarence and Olivia O. Smith, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Isaac Smith, who is alleged to have been an one-fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Isaac Smith or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 160) and August 23,

1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David T. Smith, Ross Smith, Ross Smith, Ben Peck Smith, Clarence Smith and Olivia O. Smith as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

James Bixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 4 1903

COPY.

M.O.R. 6034.

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of David T. Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David T. Smith, Rosa Smith, Ross Smith, Ben Peck Smith, Clarence Smith and Olivia O. Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Jams Birby.

Acting Chairman.

COPY.

M.C.R. 6034.

Muskogee, Indian Territory, February 4, 1903.

David T. Smith,

Foss, Oklahoma.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of David T. Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David T. Smith, Rosa Smith, Ross Smith, Ben Peek Smith, Clarence Smith and Olivia O. Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office,

D. T. G. # 2.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of David T. Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James Dixie.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6034

Land.
12769-1903.

C O P Y.
Department of the Interior,
Office of Indian Affairs,
Washington, April 21, 1903

The Honorable,

The Secretary of the Interior:-
Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of David T. Smith for himself and his five minor children, Rosa, Ross, Ben Peck, Clarence and Olivia O. Smith, for identification as Mississippi Choctaws, claiming rights as such, under the provisions of the 14th article of the treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Isaac Smith, who it is alleged was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through his son James Smith father of the principal applicant.

The Commission rejected the applicants Feb. 4, 1903, because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; and for the reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Isaac Smith and his son James and it is discovered that their names do not appear among the names of those

who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commission appointed under Acts. of March 3 1837 and August 23, 1842 for an adjudication of their rights, if they had any as Choctaw Indians.

These being the facts of the case, it is the opinion of this office that the decision of the Commission rejecting the applicants is correct and is respectfully recommended for approval.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

C.T.C.

D.C.-13845
I.T.D.3950-1903.
LRS

COPY
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

V.C.F.
RAV
May 6, 1903.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

February 20, 1903 you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of David T. Smith and his minor children, Rosa, Ross, BenPeck, Clarence and Olivia O. Smith, including your decision of February 4, 1903, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Isaac Smith, the paternal grandfather of principal applicant, and who is alleged to have been an one-fourth blood Choctaw Indian and to have been a resident of the Choctaw Nation in Mississippi or Alabama in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Isaac Smith or an ancestor less remote complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting April 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

RECEIVED
-2-
The Department, upon a careful consideration of the whole record, finds no reason to disturb your decision, and it is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

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POLYGRAPH
MADE IN
U.S.A.

COPY.

M.C.R. 6034

Muskogee, Indian Territory, May 16, 1903.

Hansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of David T. Smith, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Jame Bixby.
Chairman.

OPY.

H.C.R. 6034

Muskogee, Indian Territory, May 18, 1903.

David T. Smith,

Poss, Oklahoma.

Dear Sir:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of David T. Smith, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tams Birby.
Chairman.

For Identification as a Mississippi Choctaw.

JUL 17 1902

Date
Name David I. Smith

Age 54

Blood

1/16

Post-Office,

Foss, Okla.

Father:

James Smith

d

Mother:

Margaret "

d

Claims through father
wife

Pettie Smith

L

No claim for wife

For signature

Children:

Rosa

Smith

18

Rose

"

n

16

Ben P.

"

12

Clarence

"

10

Olivia O.

"

6

Stenographer

Clara M. Hood.

Choctaw MCR 6035

Tinza Davis

See MCR 5818, 6036, 5819
6037, 6038, 5820

MCR 6035

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tinsa Davis, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Tinsa Davis, et al.,	M. C. R. 6036
Lewis H. Williams, et al.,	M. C. R. 5818
Phelix G. Williams, et al.,	M. C. R. 6036
Henry M. Williams,	M. C. R. 5819
Lenox D. Williams, et al.,	M. C. R. 6037
Walter D. Williams, et al.,	M. C. R. 6038
John H. Herrington, et al.,	M. C. R. 5820

List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of

Tinsa Davis, et al.,

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 10, 1902.

In the matter of the application of Tina Davis for the
Identification of herself and her five minor children Thomas E.,
Lola Eliza, Albert E., Sallie T. and Francis E. Williams
Mississippi Choctaws.

Tina Davis being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Tina Davis.
Q How old are you? A I was born in 1856.
Q That makes you forty seven; how much Choctaw blood have
you? A My grandmother was a quarter; I guess about one
sixteenth.
Q What's your post office address? A Post Oklahoma.
Q How long have you lived in Oklahoma. A Five years.
Q Where did you live before you went to Oklahoma? A Where
did we live before we went to Oklahoma? Down here in the
Chickasaw Nation.
Q How long did you live there? A Three years.
Q Where did you live before that? A In Greer County three
years.
Q Greer County Oklahoma? A Yes sir.
Q Where did you live before that? A I was born and raised in
Texas/ never left the county until we came to Greer -- the
state rather.
Q Is your father living? A No sir.
Q What was his name? A J.C. Williams - John Olabern.
Q Is your mother living? A Yes sir.
Q What's her name? A Eliza Williams.
Q Through which one of your parents do you get your Choctaw
blood? A My father.
Q How old would he be if he were living now? A Pa would be -
my father was born in '26.
Q Where was he born Mrs Davis? A In Mississippi.
Q What county? A I can't tell you.
Q Do you know how long he lived in the state? A Well I think
they left there when he was fifteen years old.
Q Where did they move? A Texas.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A Minnie Smith.
Q Smith's her maiden name? A Yes sir.
Q What was your father's father's name? A Keelon Williams.
Q Where was Minnie born do you know? A In Mississippi.
Q She lived there until--- They left for Texas.
Q They moved when your father was fifteen years old? A Yes sir;
that is the talk of my parents and my grandparents.
Q You claim that your grandmother Minnie was a quarter Choctaw
Quarter Choctaw.
Q Through which one of her parents did she get her Choctaw
blood? A Through her father.
Q What was his name? A I don't know; I don't know my grandpa's

Tina Davis--2 .

- er's father's name.
- Q Through which one of his parents did he get his Choctaw blood? A I don't know; I can't tell you.
- Q Were your father and mother lawfully married? A Yes sir.
- Q How many children were born to them? A Ten.
- Q They lived together as husband and wife until his death? A Yes sir.
- Q How long a period of time? A About twenty six years; boys mother and Pa lived together before his death about twenty-six years; I think it was about that time - possibly a little longer.
- Q Your father never lived in Indian territory did he?
- A No sir.
- Q Was he ever recognized in any manner or enrolled as a member of the Choctaw tribe in Indian territory? A Not to my knowledge.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir.
- Q What's his name? A James Davis.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him the nt A No sir.
- Q How many children have you living who are under twenty one and unmarried? A Five.
- Q What are their names and ages the oldest first? A Their names are Tom Dobbis.
- Q Thomas? A Yes sir. Thomas H. Davis.
- Q How old? A He was born in 1888. Seventeen.
- Q The next one? A Lella Eliza Davis.
- Q How old? A She was born in 1888.
- Q The next one? A Albert S. Davis.
- Q How old? A He was born in 1891.
- Q The next one? A Sallie T.
- Q How old? A 1894.
- Q The next one? A Francis H. Davis.
- Q Boy? A Yes sir.
- Q How old? A Born in '97.
- Q That's all is it? A Yes sir.
- Q These children are living with you at this time? A Yes sir.
- Q Are they all the children of yourself and James Davis - all of them are they? A Yes sir. My two oldest you haven't taken their ages.
- Q Your children who are of age and married will have to appear personally and make application. A They get their blood through me.
- Q They will have to appear personally to make application being of age or heads of families; but they will get the benefit of your testimony if they appear within the next few days.
- A I can't see how that is.
- Q What is it you don't understand about it? A They want get their right through me.
- Q I haven't said they wouldn't but I have said that we require that each head of a family appear here as you have; your children if they are of age or married they are supposed to be heads of families and will have to appear like you but if they appear before your case is decided their case will

Time Davis--3.

will be consolidated with your case; they will get the benefit of your testimony and will get their rights through you.

- Q This application is for yourself and five minor children is it? A Yes sir.
- Q What are the names of your children who are of age? A Mary G. Davis is the eldest.
- Q Is she married? A No sir.
- Q The next one? A Cooper E. Davis.
- Q Neither of them have been before the Commission have they? A No sir.
- Q They are the children of yourself and James Davis? A Yes sir.
- Q Is your name or the name of anyone of these minor children for whom you make application to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir; not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or anyone of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or any of these children under the act of Congress approved June 10, 1896? A No sir.
- Q Then neither you nor anyone of these children have ever been admitted to citizenship by the Choctaw tribal authorities, the Commission to the Five Civilized tribes or the United States Court for Indian Territory? A No sir.
- Q Has any application of any description ever been made before today in your behalf or in behalf of any of these children for the purpose of establishing your right as Choctaw Indians? A Not for my children; my brothers came here before us Louis Williams and Henry Williams.
- Q No application has been made for you and your children? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time the treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of these Indians from the country they then occupied in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country; at the time the treaty was made some of the Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known

as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions the Choctaws who preferred to remain back there in the old Nation and not move west might receive land back there from the government.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him or ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A I believe I do.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Not that I know of.
- Q Did any of them own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not to my knowledge.
- Q Did any of them live there at that time? A My father and grandmother.
- Q Minnie Williams was your grandmother and lived there at that time? A Yes sir; that is - I say - of course I've got my grandfather and mother's names.
- Q Now do you know whether any of your Choctaw ancestors who were living there in 1830 when this treaty was made, let the agent of the government in Mississippi know within six months from February 24 1831 that they wanted to stay in Mississippi and become citizens of the states and take land.
- A I can't tell you whether they did or not.
- Q You don't know whether they did let the agent of the government know they wanted to stay or not? A No sir.
- Q Do you know whether any of them ever claimed or received any land in Mississippi from the government? A Not to my knowledge.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1831 and 1836?
- A Not to my knowledge.
- Q If any of them ever complied or attempted to comply with this treaty provision you don't know it? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and take land; on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek; this caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of this fourteenth article but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and went to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases;

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?
A Not to my knowledge.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress? A Not that I know of.
Q You never heard that any of your people ever received any benefits as Choctaws? A None whatever; never heard any talk of it. There was a muddle - some leaving and some staying there and my grandfather taken his family and moved away to Texas.
Q Do you know whether any of your Choctaw ancestors were in 1830 when this treaty was made recognized member of the Choctaw tribe? A No sir I don't know; I don't believe I do.
Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir I don't know.
Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No.

Timms Davis--Q

Q Have you any written evidence of any kind to offer at this time in support of your application? A Well I think I can get evidence.

Well you will be allowed a period of fifteen days in which to offer proper written evidence in support of this application.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from today and their testimony will be taken; or if

Q Are there any further statements you want to make at this time in support of your application? A No sir I think not.

Q You don't speak or understand the Choctaw language? A No sir.

Q How many brothers have you living? A Five.

Q What are their names-- name them all slowly.

A Louis Williams, Grundy Williams, Henry Williams, Lenox Williams and Walter Williams.

Q How many of them have been before the Commission? A Henry and Louis.

Q The other three are here today? A Yes sir.

Q Have you any sisters living? A Yes sir I have two.

Q What are their names? A Texanna Butler and Arah Springston.

Q Have your sisters been before the Commission? A No sir.

Q Have you any brothers dead? A One.

Q How old was he when he died? A He was about fifteen months old.

Q Have you any sisters dead? A Yes sir I have one.

Q How old was she when she died? A Three years old.

Q Did any of your father's brothers leave children? A Yes sir all of them.

Q What's the name of the oldest one of your father's deceased brothers who left children? A Jim Williams.

Q How many of his children are living now? A I want tell you.

Q Do you know their names any of them? A Well I can't say for certain.

Q What's the name of the next one of your father's deceased brothers who left children? A Hansford.

Q Are any of his children living now? A Well I can't tell you whether they are or not; I haven't heard from them for some ten or twelve years.

Q Do you know their names? A No.

Q What's the name of the next one of your father's deceased brothers who left children? A Frank Williams.

Q Are any of his children living now? A The last I heard of them they was.

Q Do you know the names of these children? A O I know some few of their names; there was Hansford Williams; Jim, Josephine, Eliza and Nick.

Q Is that all you remember? A Yes sir I believe that's all.

Q What's the name of the next one of your father's deceased brothers who left children? A Aleck Williams.

Q Are any of his children living now? A I want tell you.

Q Do you know the names of his children? A No sir I don't.

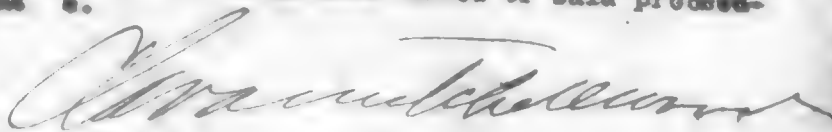
Tinna Davis--7.

- Q What's the name of the next one of your father's deceased brothers who left children? A Vic Williams.
- Q Are any of his children living now? A I don't know.
- Q You don't know their names? A No sir.
- Q What's the name of the next one of your father's deceased brothers who left children? A That's all.
- Q Has your father any sisters living? A I can't tell you whether any of them are living now or not; in December there was one of that family still living.
- Q What was her name? A Elizabeth Walton.
- Q You don't know whether she ever appeared before the Commission or not? A No sir I don't; but I don't think she did; I don't know; I'm not positive.
- Q Did any of your father's deceased sisters leave children? A Yes sir.
- Q How many of them left children? A Just one. He had just the two sisters.
- Q What was the name of that sister? A Let me see- Paralee.
- Q What was her married name? A Williamson.
- Q Are any of her children living? A Not to my knowledge; I can't tell you; she left two children.
- Q What was the name of those brothers of yours who appeared before the Commission? A Louis and Henry?

Reference is hereby made to M.C.R. 5818 Louis N. Williams et al., and M.C.R. 5819 Henry N. Williams, the principal applicants in this case being the full sister of Henry M. Williams and Louis N. Williams.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; she has dark hair and eyes; dark complexion; does not speak or understand the Choctaw language and has no knowledge of compliance on part of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



Subscribed and sworn to before me this 17 day of July 1902.

Lucy L. V. Emerson
Notary public

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Tina Davis, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Tina Davis, et al.,	M. C. R. 6036
Lewis H. Williams, et al.,	M. C. R. 5818
Phelix G. Williams, et al.,	M. C. R. 6036
Henry M. Williams,	M. C. R. 5818
Lenox D. Williams, et al.,	M. C. R. 6037
Walter D. Williams, et al.,	M. C. R. 6038
John H. Harrington, et al.,	M. C. R. 5820

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--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission by Tina Davis for herself and her five minor children,
Thomas E., Lelia Eliza, Albert E., Sallie T. and Francis E. Davis;
by Lewis H. Williams for himself and his four minor children,
Inez, Lillie B., Richard and Roxie Williams; by Phelix G. Williams
for himself and his two minor children, Beatrice and Verdie B.
Williams; by Henry M. Williams for himself; by Lenox D. Williams
for himself and his minor child, James L. Williams; by Walter D.
Williams for himself and his minor child, Eula L. Williams; and
by John H. Harrington for himself and his five minor children,
Charlie E., Gracie P., Maude L., Claiborne C. and Johnnie C.
Harrington, under the following provision of the act of Congress

-2-
approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Minnie (or Mary) Williams, nee Smith, who is alleged to have been an one-quarter blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that

the said Minnie (or Mary) Williams, nee Smith, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tina Davis, Thomas E. Davis, Belle Eliza Davis, Albert S. Davis, Hallie T. Davis, Francis B. Davis, Lewis H. Williams, Ines Williams, Lillie B. Williams, Richard Williams, Roxie Williams, Phelix B. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Nula L. Williams, Jehu H. Herrington, Charlie E. Herrington, Gracie P. Herrington, Maudie L. Herrington, Claiborne G. Herrington and Johnnie G. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

James Dixby.

Acting Chairman.

T. B. Neccâtes.

Commissioner.

Muskogee, Indian Territory,

DEC 31 1902

J. L. Brookhridge

Commissioner.

COPY

Muskogee, Indian Territory, December 31, 1902.

Tinza Davis,

Wess, Oklahoma.

Dear Madam:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tinza Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tinza Davis, et al.,	M.C.R. 6036
Lewis F. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5818
Lenox D. Williams, et al.,	M.C.R. 6036
Walter D. Williams, et al.,	M.C.R. 6036
John H. Herrington, et al.,	M.C.R. 5520

These applications were made under the provision of the act of Congress of June 25, 1896 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tinza Davis, Thomas E. Davis, Lelia Eliza Davis, Albert E. Davis, Sallie E. Davis, Francis E. Davis, Lewis E. Williams,

Inez Williams, Lillie B. Williams, Richard Williams, Rexie Williams, Phelix G. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Lula L. Williams, John H. Herrington, Charlie E. Herrington, Gracia P. Herrington, Maudie L. Herrington Claiborne C. Herrington and Johnnie C. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixby.
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, December 31, 1902.

Thomas A. Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tinza Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tinza Davis, et al.,	M.C.R. 6036
Lewis H. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5819
Lenox D. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6036
John H. Herrington, et al.,	M.C.R. 5820

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

---2---

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tinsa Davis, Thomas M. Davis, Lelia Elisa Davis, Albert S. Davis, Sallie T. Davis, Francis E. Davis, Lewis H. Williams, Ines Williams, Lillie B. Williams, Richard Williams, Rexie Williams, Phelix G. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Bula L. Williams, John H. Herrington, Charlie E. Herrington, Gracie P. Herrington, Maudie L. Herrington, Chaiberne C. Herrington and Johnnie C. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY

M.C.R. 6036

Muskogee, Indian Territory, December 31, 1902

Hansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of December 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tinsa Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tinsa Davis, et al.,	M.C.R. 6035
Louis N. Williams, et al.,	M.C.R. 5813
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5819
Lenox D. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6038
John H. Herrington, et al.,	M.C.R. 5820

These applications were made under the provision of the Act of Congress of June 28, 1896 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tinsa Davis, Thomas E. Davis, Lelia Eliza Davis, Albert S. Davis, Nellie T. Davis, Francis E. Davis, Louis N. Williams, Inez Williams, Lillie B. Williams, Richard Williams, Roxie Williams, Phelix G. Williams, Beatrice Williams, Verdine B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Eula L. Williams, John H. Herrington, Charlie E. Herrington, Gracie P. Herrington, Maudie L. Herrington, Claiborne C. Herrington and Johnnie C. Herrington as Choctaw Indians."

entitled to rights in the Ghostaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Dixby.

Acting Chairman.

COPY

Muskogee, Indian Territory, January 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Tina Davis, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 31, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Tina Davis, et al.,	M.C.R. 6035
Lewis M. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5819
Lenox D. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6038
John H. Herrington, et al.,	M.C.R. 5820

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Through the
Commissioner of Indian Affairs.

T. J. McVicker
Commissioner in Charge.

Enc. M.C.R. 6036

Land
4579-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, February 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on December 31, 1902:

Tinsa Davis, for herself and her five children, Thomas E., Lelia Elisa, Albert S., Sallie T. and Francis E. Davis; Lewis H. Williams, for himself and his four children, Inez, Lillie B., Richard and Roxie Williams; Phelix G. Williams, for himself and his two children, Beatrice and Verdie B. Williams; Henry M. Williams; Lenox D. Williams, for himself and his child James L. Williams; Walter D. Williams, for himself and his child Eula L. Williams; and by John H. Herrington, for himself and his five children, Charlie E., Gracie P., Maudie L., Claiborne G. and Johnnie G. Herrington.

The record evidence in this case shows that the applicants make their claim to identification by reason of their descent from Minnie Williams, nee Smith, and John Claiborn Williams, who, it is

alleged, were citizens of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission makes its decision rejecting these applicants on the ground that it is not shown by its records that Minnie (or Mary) Williams, nee Smith, or ancestors less remote, ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, made with the Choctaw Indians in 1830.

A careful examination of the records of this office discloses the fact that the names of Winnie Williams, nee Smith, and John Claborn Williams are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting the application of these parties for identification as Mississippi Choctaws, be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 5908-1903.
I.T.D. 1906-1903.
L.R.S.

(Copy)

J.W.H.
FHB.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, February 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 16, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Tina Davis (M.C.R. 6035), for herself and her five minor children, Thomas E., Lelia Eliza, Albert S., Sallie T. and Francis E. Davis; of Lewis H. Williams for himself and his four minor children, Inez, Lillie B., Richard and Roxie Williams; of Phelix G. Williams for himself and his two minor children, Beatrice and Verdie B. Williams; of Henry M. Williams for himself; of Lenox D. Williams for himself and his minor child, James L. Williams; of Walter D. Williams for himself and his minor child, Eula L. Williams; and of John H. Herrington for himself and his five minor children, Charlie E., Gracie P., Maudie L., Claiborne C. and Johnnie C. Herrington, including your decision of December 31, 1902, refusing to identify them as such.

These applicants are the descendants in the first, second, third and fourth degrees of Mrs. Keelen Williams, formerly Mary

(or Minnie) Smith, a 1/4 blood Choctaw who was born in Mississippi about 1802. They trace their descent from her through her son, John Claborn Williams, who was born in Mississippi in 1826, where he resided until 1841.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records of the Government in your possession, as well as those at the Indian office, fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with the said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter February 16, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

(signed)

THOS. RYAN,

1 inclosure.

Acting Secretary.

COPY.

M.O.R. 6035.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tinsa Davis, et al., of which decision you were advised by mail on the 31st day of December, 1902.

Respectfully,

SIGNED,

James Dixby.

Chairman.

M.O.R. 6038.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Timka Davis, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

SIGNED

Tamm Dixby.

Chairman.

M.C.R. 6035.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Tinza Davis,

Poss, Oklahoma.

Dear Madam:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tinza Davis, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED)

Tams Dixby
Chairman.

Consolidated Case
of
Tinzia Davis et al

RECEIVED

6035

merc
6035
Thomas Ed Davis 17
" Lelia Eliza " 14
" Albert S. " 11
" Sallie T. " 8
" Francis E. " 5
Mary G. Davis
Cooper F. Davis

merc
6035
Inza Williams 47- $\frac{1}{16}$
mar
James Davis

merc
5818
Inez Williams 12
" Lillie B. " 9
" Richard " 6
" Roxie " 3

merc
5818
Lewis N. Williams 38- $\frac{1}{16}$
wife
Sallie E. Williams
-W-

merc
6036
Beatrice Williams 6
" Verdie B. " 18 m

merc
6036
Phelix G. Williams 36- $\frac{1}{16}$
mar
Octor O. Stringfellow
merc
5819
Henry M. Williams 33- $\frac{1}{16}$

100?
Minnie Smith
(or Mary)
mar
Keelen Williams
w
John Claborn Williams (76?)
(or John C.)
dead
wife
Eliza Williams

mer
6037

Lenox D. Williams 28- $\frac{1}{6}$

mer
6037

James L. Williams 1

mar
Janie Wagon

mer
6038

Walter D. Williams 27- $\frac{1}{6}$

mer
6038

Eula L. Williams 3

mar
Ina B. Covin

mer
5820

Charlie E. Herrington 8

mer
5820

John H. Herrington 33- $\frac{1}{2}$

Gracie P. " 6

Adelaide Williams
dead

mar
Charles Herrington
dead

wife
Flavia C. Herrington w

"Mandie L. " 5

"Claiborne C. " 2

"Johnnie C. " 5m

(100?)

Minnie Smith $\frac{1}{2}$
(or Mary ")
mar

Kellen Williams
-w-

(76?)
John Claborn Williams
(or John C.)
dead

wife
Elija Williams

Texanna Williams

mar
Butler

Arrah Springston
(nee Williams)

For Identification as a Mississippi Choctaw.

JUL 10 1902

Name *Jinza Davis*

Age *47* Blood *1/16*

Post-Office, *Foss, Okla.*

Father: *John Clayborne Williams d*

Mother: *Eliza* " *L*

Claims through father

husband James Davis L

No claim for husband.

For self and 5 children

Children:

<i>Thomas E. Davis</i>	<i>17</i>
<i>Lelia E. "</i>	<i>14</i>
<i>Albert S. "</i>	<i>11</i>
<i>Sallie J. "</i>	<i>8</i>
<i>Francis E. "</i>	<i>5</i>

Choctaw MCR 6036

Phelix G. Williams

See MCR 6035

MCR 6036

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 10, 1902.

In the matter of the application of Phelix G. Williams for the identification of himself and his two minor children Beatrice and Verdie B. Williams as Mississippi Choctaws.

Phelix G. Williams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Phelix G. Williams.
Q How do you spell that first name? A P-h-e-l-i-x.
Q How old are you? A Thirty-six.
Q How much Choctaw blood do you claim to have? A My grandmother was a quarter blood I believe.
Q Your father was an eighth; that would make you one sixteenth.
A Yes sir.
Q What's your post office address? A Pasa, Oklahoma.
Q How long have you lived in Oklahoma.
A Why since about eight years; they called it Greer County Texas then.
Q Where did you live before that? A In Texas.
Q How long? A Born in Texas; raised there.
Q Is your father living? A No sir.
Q What was his name? A J. G. Williams.
Q What's that J. for? A John.
Q Is your mother living? A Yes sir.
Q What's her name? A Eliza Williams.
Q Through which one of your parents do you get your Choctaw blood? A Father.
Q When was your father born; what year? A Why about 1826.
Q Where was he born? A In Mississippi.
Q What county? A I don't know.
Q When did he leave that state? A Well I suppose - I don't know just when he left but he was a good sized boy.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A Minnie Smith.
Q That Smith was her maiden name was it? A I suppose so.
Q Was she born in Mississippi? A I suppose so.
Q Lived there all her life? A I can't say.
Q Do you know the name of any of your Choctaw ancestors further back than Minnie Smith? A No sir.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father and mother; your sister who has just appeared before the Commission has been requested to furnish this evidence and she was allowed a period of fifteen days to offer this evidence; if it is offered in her case it will not be necessary that it be offered in your case.

- A I believe the marriage certificate of my father and mother has been arranged for; the eldest brother has been here before and—
Q What's his name? A Louis M. Williams.

Phelix G. Williams--2

- Q I don't find the evidence of the marriage of your father and mother in connection with his case; but if this evidence is furnished in any one of the cases of your brothers or sisters that will be sufficient; you can arrange among yourselves as to which will file it.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian territory? A Not that I know of.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Octor G. Williams.
- Q Has she any Choctaw blood? A Not that I know of.
- Q You make no claim for her? A No sir.
- Q Have you been married more than once? A No sir.
- Q Has she? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Two.
- Q What are their names and ages the oldest first.
- A The oldest is named Beatrice she's six years old.
- Q The next one? A The next one is Verdie B.
- Q How old? A About eighteen months old.
- Q Are these children living with you at this time? A Yes sir.
- Q Are they the children of yourself and Octor G. Williams? A Yes sir.
- Q This application then is for yourself and two minor children?
- A Yes sir.
- Q Were you married to your wife under a license? A Yes sir.
- Q Have you that license with you? A Yes sir; a certified copy of it.

Certified copy of the marriage license and certificate of Phelix G. Williams and Octor Stringfellow offered in evidence identified as exhibit A, and made a part of the record in this application.

- A That's wrong; it should be "w" instead of "r" in her last name.
- Q You are the Phelix G. Williams referred to in this license are you? A Yes sir.
- Q And Octor Stringfellow is your present wife? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls of Indian Territory? A No sir.
- Q Is your oldest child's name on any of the rolls? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian territory for yourself or this oldest child to be admitted or enrolled as member of the Choctaw tribe?
- A No sir.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself and this child? A No sir.
- Q Then neither of you have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Dawes Commission or the United States Court for Indian Territory have you? A No sir.
- Q This is the first application of any description you have ever made for the purpose of establishing your rights and those of your children as Choctaw Indians is it?
- A Yes sir.
- Q Do you appear before the Commission at this time for the

Phelix A. Williams-3.

purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the fourteenth article of the treaty of Dancing Rabbit Creek?

A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of the Indians were unwilling to leave the old nation and move to the new nation out west and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand the fourteenth article? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits under it? A None that I know of.

Q Do you know whether any of them lived in the old Nation in Mississippi or Alabama when this treaty was made in 1830?

A No sir; fire-side talk was that they was living in that country; father and grandfather; that was fire-side talk.

Q Do you know whether any of them owned an improvement in the old nation at that time? A No sir.

Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent for the government in Mississippi for the Choctaws know they wanted to stay and become citizens of the states and

Phelix G. Williams—4.

- take land? A I dont say.
- Q Do you know whether any of them removed to the present Choctaw nation in Indian territory at the time of the removal of the greater portion of the Choctaw tribe between 1833 and 1837? A I dont think they did; I think they went straight from there to Texas; I dont know.
- Q Do you know whether any of them ever claimed or received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I dont know that they did.
- Q Did you ever hear of them ever having got any land from the government? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and on this account the government sold land upon which Choctaws lived and had improvements and on which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went down to Mississippi between the years 1837 and 1846 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrips.

- Q Did any of your ancestors ever get any of this scrip from

Phelix G. Williams—4.

take land? A I dont say.

- Q Do you know whether any of them removed to the present Choctaw nation in Indian territory at the time of the removal of the greater portion of the Choctaw tribe between 1833 and 1838? A I dont think they did; I think they went straight from there to Texas; I dont know.
- Q Do you know whether any of them ever claimed or received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I dont know that they did.
- Q Did you ever hear of them ever having got any land from the government? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and on which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went down to Mississippi between the years 1837 and 1846 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

A: An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from

Phelix G. Williams--S.

- the government under the act of Congress? A A I have no knowledge of it.
- Q You have no knowledge of any of your ancestors ever having received any benefits as Choctaws? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830? A No sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of any.
- Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer in support of your application? A No sir.
- Q Have you any witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days or if you should see fit to offer and written evidence in support of your application such proper written evidence as may be offered within fifteen days from today will receive the consideration of the Commission.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q What's relation are you to Tina Davis? who has just appeared here? A Brother.
- Q She's your full sister? A Yes sir.
- Q What relation are you to Louis N. Williams? A Full brother.

Special reference is hereby made to M.C.R. 5818 Louis N. Williams et al., the principal applicant in that case and the principal applicant in this case being full brothers.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has dark hair and mustaches; rather dark complexion and blue eyes; does not speak or understand the Choctaw language and has no knowledge of a compliance on part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled case on the 10th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 17 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY

Muskogee, Indian Territory, December 31, 1902.

Phelix G. Williams,
Poss, Oklahoma.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tinsa Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tinsa Davis, et al.,	M.C.R. 5035
Lewis N. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5819
Lenox E. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6038
John H. Herrington, et al.,	M.C.R. 5820

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tinsa Davis, Thomas E. Davis, Lelia Eliza Davis, Albert

S. Davis, Sallie T. Davis, Francis E. Davis, Lewis N. Williams, Inez Williams, Lillie B. Williams, Richard Williams, Roxie Williams, Phelix G. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Eula L. Williams, John H. Herrington, Charlie B. Herrington, Gracie P. Herrington, Maudie L. Herrington, Claiborne C. Herrington and Johnnie C. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. N. D. Tams Dixby.
Acting Chairman.

Registered.

M.C.R.6036.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Phelix G. Williams,

Foss, Oklahoma.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tinsa Davis, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

For Identification as a Mississipp Choctaw.

JUL 10 1902

Name ^{Date} *Phelix G. Williams*

Age *36* Blood *1/16*

Post-Office, *Foss, Okla.*

Father: *John C. Williams d*

Mother: *Eliza " L*

Claims through *Father*

wife *Octor C. Williams L*

No claim for wife

Self and 2 children

Children: *Estreé Williams*

Verdie B. " 18mo

Stenographer

Clara H. Wood

Choctaw MCR 6037

. Lenox D. Williams

See MCR 6035

.MCR 6037

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, Indian Territory, July 10, 1902.

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In the matter of the application of Lenox D. Williams for the identification of himself and his minor child James L. Williams as Mississippi Choctaws.

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Lenox D. Williams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lenox D. Williams.
Q How old are you? A Twenty-eight years old.
Q How much Choctaw blood have you? A One sixteenth I guess.
Q What is your post office address? A Foss Oklahoma.
Q How long have you lived in Oklahoma? A About eight years.
Q Where did you live before that? A Texas.
Q All your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John C. Williams.
Q Is your mother living? A Yes sir.
Q What's her name? A Eliza Williams.
Q Through which one of your parents do you get your Choctaw blood? A Father.
Q Was he ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A Not that I know of.
Q How old would he be if living now? A He was born in 1826. And he died in 1879.
Q Through which one of his parents did he get his Choctaw blood? A His mother.
Q What was her name? A Her maiden name of
Q Well her given name? A Minnie.
Q Do you know the names of her parents- her father and mother?
A Smith.
Q I mean the given names? A No sir.
Q Where was your father born? A In Mississippi.
Q Do you know the county? A No sir.
Q Do you know how long he lived there? A Not for sure; he come to Texas when about fifteen years old.

It will be necessary that the Commission be furnished with evidence of the marriage of your father and mother; this evidence should be furnished within a period of fifteen days from today. Now some of your brothers and sisters have appeared before the Commission and if it is furnished in their cases it will not be necessary that it be furnished in your case.

- Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Janie.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you been married more than once? A No sir.
Q Has she? A No sir.
Q Have you any children? A One living.
Q What's that child's name? A James L. Williams.
Q How old? A A little over a year old.

Lenox D. Williams--2.

- Q It's the child of yourself and Jamie Williams? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q Have you that license with you? A Yes sir; a certified copy of it.

Certified copy of the marriage license and certificate of Lenox D. Williams and Jamie Wagner offered in evidence identified as exhibit A. made a part of the record in this case.

- Q Are you the Lenox D. Williams referred to in this license?
A Yes sir.
Q And Jamie Wagner referred to herein is your wife? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory have you? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country they then occupied to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and the Chickasaws and is commonly known as the Choctaw Chickasaw Country Indian Territory; at the time the treaty was made some of those Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions the Choctaws who preferred to remain in the old nation might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall not be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional license survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter

Lenox D. Williams---3.

section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that fourteenth article Mr. Williams?
A Why partially, yes sir, I guess so.
Q You dont think you understand it all though? A No I cant say that I do thoroughly understand it.

Well in case a Choctaw who might have lived back there in the old Nation in 1830 when this treaty was made decided that he didn't want to move to the new nation but preferred to stay there he had the right upon certain conditions to receive land there in the old nation from the government; he was required to within six months from February 24, 1831 the day the treaty was ratified let the agent of the government in Mississippi for the Choctaws - the government had an agent there in 1831 for that purpose - know that he wanted to stay there and become a citizen of the states and take land; then he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each unmarried child which was living with him over ten years of age and a quarter section for such child as might be under ten years of age; the reservations of these children were required to adjoin the reservations of the parent and these reservations made for Indians under this fourteenth article were required in each and every instance to include the improvement of the head of the family as it existed on September 27, 1830 the day this treaty was made; now if these Indians lived on this land so reserved for them for a period of five years from February 24, 1831, the day this treaty was made, they were entitled to a grant in fee simple for the land; the government would give them a deed or patent to it and it became the property of the Indian to dispose of at his will and pleasure; the last clause of that fourteenth article provides as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is if a Choctaw who stayed back there in 1830 and took land under this fourteenth article should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever moved out west here to the new nation later he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which has been due each year to the Choctaw from the government of the

United States under treaty provisions; I have now explained to you fully this fourteenth article of the treaty of Dancing Rabbit Creek. Do you think you understand it now?

A Yes sir pretty well.

Q Did any of your ancestors ever comply with or attempt to comply with the provisions of the fourteenth article or ever receive any benefits under that fourteenth article of the treaty of Dancing Rabbit Creek. A Not that I know of.

Q Did any of them live there in the old nation in 1830 when this treaty was made? A I suppose my father lived there.

Q Do you know where he lived - what part of the state? A No sir.

Q Do you know whether he or any other of your Choctaw ancestors owned an improvement there at that time? A No sir.

Q Do you know whether any of your Choctaw ancestors within six months from the time this treaty was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land? A I don't know.

Q Do you know whether any of them removed to the Choctaw Nation Indian territory at the time of the removal of the greater portion of the tribe between the years 1833 and 1836? A No sir.

Q Do you know whether any of your Choctaw ancestors ever received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek?

A Not that I know of.

Q You never heard of any of your people ever having gotten any land from the government then? A No sir.

Q In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Indians who did in fact let him know they wanted to stay and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress passed certain acts between 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to the state of Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before these commissioners

and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress?

A Not that I know of.

Q You never heard of any of your ancestors ever having received any benefits as Choctaws? A No sir.

Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A I dont know.

Q Do you know of any old person living who would likely know whether any of your ancestors complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Really I dont know.

Q Do you know of any written evidence of any kind that would prove or tend to prove such a state of facts? A Not at present I dont.

Q Have you any written evidence to offer at this time in support of your application? A No.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskogee within a period of fifteen days from today and their testimony will be taken; or if you should find and written evidence such proper written evidence as may be forwarded to the Commission within fifteen days will receive the consideration of the Commission.

Q Have you any further statements you want to make in support of your claim? A No sir.

Q What relation are you to Tinza Davis? A Full brother

Reference is hereby made to K.C.R. 5812 Louis H. Williams, et al. the applicant in said case and the applicant in this case being the descendant of a common Choctaw ancestor.

Q Do you speak or understand the Choctaw language. A No sir

—0—

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has dark hair, dark complexion, blue eyes; does not speak or understand the Choctaw language; has no knowledge of compliance on part of any of his ancestors with the provisions

Lenox D. Williams--5.

of article fourteen of the treaty of hand ng Rabbit creek.

Clara Mitchell Wood being first duly sworn upon her oath
sworn that as stenographer for the Commission to the Five
Civilized tribes she reported in full all proceedings had in
the above entitled cause on the 10th day of July 1902 and that
the above and foregoing is a full true and correct transcript
of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 17 day of July
1902.

Guy L. V. Emerson
Notary Public.

COPY

Muskogee, Indian Territory, December 31, 1902.

Lenox D. Williams,
 Poss, Oklahoma.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tinza Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tinza Davis, et al.,	M.C.R. 6035
Lewis H. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5819
Lenox D. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6038
John H. Herrington, et al.,	M.C.R. 5820

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths; examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tinza Davis, Thomas H. Davis, Lelia Eliza Davis, Albert B. Davis, Sallie T. Davis, Francis H. Davis, Lewis H. Williams,

Ines Williams, Lillie B. Williams, Richard Williams, Roxie Williams, Phelix G. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Eula L. Williams, John H. Herrington, Charlie E. Herrington, Gracie P. Herrington, Maudie L. Herrington, Claiborne C. Herrington and Johnnie C. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

EDWIN

James Dixby

Acting Chairman.

Registered.

M.C.R.6037.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Lenox D. Williams,

Foss, Oklahoma.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Finna Davis, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED)

Tamie Bixby.
Chairman.

No. 6037

For Identification as a Mississippi Choctaw.

Date

JUL 10 1902

Name

Lenox Williams

Age

28

Blood

1/16

Post-Office

Foss, Okla.

Father

John Williams d

Mother

Elyza Williams L

Claims through

wife father

Janie Williams L

No claim for wife.

Self and one child

Children:

James L. Williams !

Clara M. Wood

Choctaw MCR 6038

Walter D. Williams

See MCR 6035

MCR 6038

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 18, 1902.

In the matter of the application of Walter B. Williams
for the identification of himself and his minor child Eula L.
Williams as Mississippi Choctaws.

Walter B. Williams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Walter B. Williams.
Q How old are you? A Twenty seven.
Q How much Choctaw blood have you? A One-sixteenth I guess.
Q What's your post office address? A Pecos Oklahoma.
Q How long have you lived in Oklahoma? A Eight or nine years.
Q Where did you live before that? A In Texas.
Q All your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John C. Williams.
Q Is your mother living? A Yes sir.
Q What's her name? A Eliza Williams.
Q Through which one of your parents do you get your Choctaw blood? A Father.
Q Are you a full brother of Tinas Davis who has just appeared before the Commission? A Yes sir.
Q Through which one of his parents did your father get his Choctaw blood? A Mother.
Q What was her name? A Smith I believe.
Q Her given name? A Minnie Smith.
Q That was her maiden name? A Yes sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not that I know of.

It will be necessary that the commission be furnished with proper evidence of the marriage of your father and mother; this evidence should be furnished within a period of fifteen days from today; several of your brothers and your sister have appeared before the Commission and they have been requested to furnish this evidence; if it is furnished in one of those cases that will be sufficient; you may determine among yourselves who shall furnish this evidence.

- Q Are you married? A Yes sir.
Q Is your wife living? A No sir.
Q Have you any children living? A One.
Q What was your wife's name? A Ina B. Williams.
Q Did she have any Choctaw blood? A None that I know of.
Q What's the name of your child? A Eula L. Williams.
Q How old is that child? A Three years old.
Q Is she living with you? A Yes sir.
Q This application is for yourself and one minor child is it?
A Yes sir.
Q Is this child the child of yourself and Ina B. Williams?
A Yes sir.
Q When were you married to her under a license? A Yes sir.

Walter D. Williams--2.

Q Have you that license with you? A I have a certified copy
you sir.

Certified copy of the marriage license and certificate of
Walter D. Williams and Ima B. Govin is offered in evidence
identified as exhibit A, filed and made a part of the record
in this case.

Q You are the Walter D. Williams referred to in this certificate
are you? A Yes sir.

Q And the Ima B. Govin is the mother of this child? A Yes sir

Q Is your name on any of the Choctaw tribal rolls in Indian
Territory? A No sir.

Q Did you ever make application to the Choctaw tribal author-
ities to be admitted or enrolled as a member of that tribe?
A No sir.

Q Did you or anyone for you in the year 1896 make application
to this commission for citizenship in the Choctaw Nation
under the act of Congress approved June 10, 1896?

A No sir.

Q Then you have never been admitted to citizenship in the
Choctaw nation by the Choctaw tribal authorities, the Com-
mission to the Five Civilized Tribes or the United States
Court for Indian Territory have you? A No sir.

Q Has any application of any description ever been made before
today for in your behalf for the purpose of establishing
your rights as a Choctaw Indian? A No sir.

Q You appear before the Commission at this time for the
purpose of claiming rights in the Choctaw lands in Indian
territory for yourself and one minor child under article
fourteen of the treaty of Dancing Rabbit Creek do you?

A Yes sir.

This treaty of Dancing Rabbit Creek was entered into on
the 27th day of September 1830 between the government of
the United States and the Choctaw tribe of Indians; at the
time the treaty was made the Choctaw Indians lived in
Mississippi and along the western edge of the state of
Alabama; the object of the treaty was to secure the removal
of these Indians from the country occupied by them in
Mississippi and Alabama to a new country west of the Mis-
sissippi river part of which is now occupied by the greater
portion of the Choctaw tribe of Indians and the Chickasaws
and is known as the Choctaw Chickasaw country Indian terri-
tory. At the time the treaty was made some of the Indians
were unwilling to leave the old nation and for the benefit
of those who preferred to remain there what is known as
the fourteenth article was put into the treaty; that
fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain
and become a citizen of the states shall be permitted to do
so by signifying his intention to the Agent within six months
from the ratification of this treaty and he or she shall
thereupon be entitled to a reservation of one section of six
hundred and forty acres of land to be bounded by sectional
lines of survey; in like manner shall be entitled to
one half that quantity for each unmarried child which is liv-
ing with him over ten years of age and a quarter section

Walter D. Williams--3.

to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity?

- Q Do you understand that fourteenth article Mr Williams?
A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits under it? A Not sir, none that I know of.
Q Do you know whether any of them lived in the old Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I suppose my father did.
Q Do you know whether any of your Choctaw ancestors owned an improvement there at that time? A No sir; none that I know of.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi become citizens of the states and take land? A None that I know of.
Q Did any of them remove to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838?
A I don't understand that.
Q Did any of these Choctaw ancestors of yours remove to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know of.
Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek; did any of them ever get any land from the government under this treaty that you know of. A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Indians who did in fact let him know they wanted to stay there and become citizens of the states and on this account the government at its public land sales in Mississippi in many instances sold land on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of

Choctaw who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between the years 1837 and 1842 and heard a great many of those Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?
A Not that I know of; no sir.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of; no sir.
Q So far as you know then none of your people ever received any benefits as Choctaws? A No sir not that I knew of.
Q Do you know whether any of your people were recognized members of the tribe in 1830 when this treaty was made?
A Not that I know of; no sir.
Q Do you know of any old person who would likely know whether any of your ancestors ever complied or attempted to comply with that fourteenth article or ever received any benefits under it? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time? A No sir.
Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from today and their testimony will be taken; if you should find any written evidence of any kind which you desire to offer in support of your application such proper written evidence as may be offered within fifteen days will receive the consideration of the Commission.

- Q Are there any further statements you want to make? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.

Special reference is hereby made to N.C.R. 3812 Louis Williams et al., the applicant in said case and the applicant in this case being the descendants of the common ancestor.

- Q Were you ever married more than once? A No sir.
Q Was Ina married more than once? A No sir.

Walter Williams--5.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; his hair and mustache are inclined to be light; he has a rather fair complexion, blue eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 17 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY

Muskogee, Indian Territory, December 31, 1902.

Walter D. Williams,

Foss, Oklahoma.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tinza Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tinza Davis, et al.,	M.C.R. 6035
Lewis W. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5819
Lenox D. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6038
John H. Herrington, et al.,	M.C.R. 5820

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the iden-

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tity of Tina Davis, Thomas E. Davis, Lelia Eliza Davis, Albert S. Davis, Sallie T. Davis, Francis E. Davis, Lewis E. Williams, Inez Williams, Lillie E. Williams, Richard Williams, Roxie Williams, Phelix G. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Bula L. Williams, John H. Herrington, Charlie E. Herrington, Gracie P. Herrington, Maudie L. Herrington, Olai-borne C. Herrington and Johnnie C. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this of office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Davis

Acting Chairman.

Registered.

M.O.R. 6038.

Muskogee, Indian Territory, March 12, 1903.

Walter D. Williams,

Pace, Oklahoma.

Dear Sir:-

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Finsa Davis, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED)

James D. Kirby.
Chairman.

No. 6038

For Identification as a Mississippi Choctaw.

JUL 10 1902

Date

Name

Walter D Williams

Age

27

Blood

1/16

Post-Office,

Foss, Okla.

Father:

John C Williams

Mother:

Elya

Claims through

wife

Ina B. Williams

No Choctaw blood.

Children:

Eula L. Williams

Stenographer

(Eula M. Wood)

Choctaw MCR 6039

William H. Arnold

MCR 6039

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William H. Arnold, et al.,
for identification as Mississippi Choctaws, H.C.R. 4039.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of William H. Arnold, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Certified copy of the marriage record of Willie Arnold and Francis Rose-----	7
Decision of the Commission refusing the ap- plication of William H. Arnold, et al., for identification as Mississippi Choctaws-----	8

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 10th, 1902.

#4039.

In the matter of the application of William H. Arnold for the identification of himself and his four minor children, Jessie, Cera, Theodore, and C. D. Arnold, as Mississippi Choctaws.

J. C. Lowery, Attorney for Applicant.

William H. Arnold, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A William H. Arnold.
Q How old are you? A Forty.
Q How much Choctaw blood do you claim? A One-third.
Q No more than that? A No, sir.
Q What is your post office address? A Bradshaw, Arkansas.
Q What County is that in? A Clarke County.
Q How long have you lived in the state of Arkansas? A Four years.
Q Is your father living? A No.
Q What was his name? Matt Arnold.
Q Is your mother living? A No, sir.
Q What was her name? A Mary Jane Arnold.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q How much blood did your mother have? A Three-fourth.
Q Your father had no Choctaw blood? A Not that I know of.
Q How old would your mother be if now living? A Between 70 and 80.
Q Where was she born? A She was born near the line of Mississippi and Alabama.
Q In what County? A Talladega County, Alabama.
Q Was she a slave? A Her mother was; she was keeping her.
Q How long did she live back there in Alabama? A She lived there about 20 or 30 years.
Q And she came from there to Arkansas? A Yes, sir. My original home was in Mississippi.
Q In what county did you live in Mississippi? A Near the line.
Q How much Choctaw blood did your mother's father have? A One-half.
Q What was his name? A Matson Arnold.
Q Did he have a Choctaw name? A I don't know; my mother told me he went with the Choctaws.
Q Did he have an Indian name? A Yes, sir.
Q What was it? A He was named after my grand father; he was named Arnold.
Q Will you have not answered my question yet. Did he have an Indian name or not? A He did not, I guess.
Q What was his mother's mother's name? A Mary Jane.
Q How much Choctaw blood did she have? A Full blood.

- Q What other name did she have than that of Mary Jane? A Arnold.
 Q What was the name of her father? A I don't know his name.
 Q What was Mary Jane's mother's name? A Mary Jane.
 Q What was the name of Watson Arnold's father? A He was named after his father. Madison Arnold was my grand father.
 Q What was the name of Madison Arnold's mother? A I don't know what her name was.
 Q Did your mother ever live in Indian Territory? A No, sir.
 Q She was never recognized in any manner as a member of the Chectaw tribe? A No, sir.
 Q Are you married? A I am.
 Q Is your wife living? A Yes.
 Q What was her name? A Mary Jane Arnold.
 Q Has she any Chectaw blood? A No, sir. She may have.
 Q You make no claim for her? A No, sir.
 Q Were you married more than once? A No, sir.
 Q Was your wife? A No, sir.
 Q Have you any children living? A Yes.
 Q How many? A Six.
 Q Are any of them married? A Two.
 Q What are the names of those under age and unmarried? A Jennie, age 16; Cora, age 14; Theodore, age 13; and G. D. Arnold, age 10.
 Q These children are living with you now? A Yes, sir.
 Q Are they all the children of yourself and Mary Jane? A Yes, sir.
 Q Were you married to her under a license? A I was.
 Q When? A In 1879.
 Q Have you the license with you? A No, sir.
 Q Where were you married to her? A Magnolia, Arkansas.
 Q Who married you? A Peter Edwards.
 Q What official position had he at that time? A In charge of a church; a minister.

It will be necessary that you furnish legal evidence of the marriage of yourself and Mary Jane Arnold for use in behalf of your application for the identification of your minor children. Fifteen days will be allowed in which to furnish your license and certificate or a certified copy thereof.

- Q How many children have you who are of age or married? A Two.
 Q What are their names? A One is Nellie Key and the other is Fannie Oliver.
 Q This application is for yourself and four minor children? A Yes.
 Q Is your name or the name of any of these children to be found on the Chectaw tribal rolls of Indian Territory? A I don't know.
 Q Did you ever make application to the Chectaw tribal authorities in Indian Territory for yourself or these children to be admitted or enrolled as members of that tribe? A No, sir.
 Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Chectaw Nation under act of Congress approved June 10, 1896? A No, sir.
 Q Was application made for any of your children? A No, sir.
 Q Do you appear before the Commission at this time for the purpose of claiming rights in lands in the Chectaw Nation under Article Fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27th, 1830, between the government of the United States and the Chectaw Nation. At the

time the treaty was made the Choctaws lived in Mississippi and along the western edge of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw-Choctaw Indians and Chickasaw Indians and is commonly known as the Choctaw-Choctaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Choctaw Nation but preferred to remain and become citizens of the States and take land there. For the benefit of those Indians who wished to remain Article fourteen was made a part of the treaty. That fourteenth article provided that under certain conditions a Choctaw Indian might receive land from the government. It is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over the age of ten years, and a quarter section to such child under the age of ten years, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q I have quoted to you the fourteenth article of the treaty of Dancing Rabbit Creek. Do you understand it? A I believe so.
Q Do you think you do? A Part of it I do and part I don't.

In case a Choctaw who might have been living back there in 1830, decided that he wanted to stay in Mississippi and not move out west he had the right to have certain lands reserved for him. First, he was required to let the government agent know within six months of the ratification of the treaty that he wanted to stay there and become a citizen of the States and take land he was entitled to one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity for each child in his family that was unmarried and over the age of 10 years, and for each child in his family under ten years of age he was entitled to one quarter section of land. The reservations of the children were required to adjoin the location of the parent. Now if they resided upon these lands, intending to become citizens of the States, for five years after the ratification of this treaty, they were entitled to a title in fee simple; that is, the government would give them a deed or patent to the land and they could then dispose of it at their will or pleasure. The reservations made for these Indians under article fourteen were required in each instance to include the improvements of the

head of the family as it existed on September 27th, 1830, the day the treaty was made. The last part of that article is as follows:

"Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Choctaw annuities were moneys which became due each year from the government of the United States under treaty provisions. The last part of that article means that in case a Choctaw did stay there he should not by reason of his having done so lose his right to citizenship in the Indian Territory, but if he decided later to come out west he was not to be entitled to any portion of the Choctaw annuities.

- Q You understand that fourteenth article now? A Yes, sir
- Q Did any of your ancestors, to your knowledge ever comply or attempt to comply with the provisions of this article fourteen, or receive any benefits thereunder? A No, sir, not that I know of.
- Q Did any of them live back there in the old Choctaw Nation in 1830? A I don't know.
- Q Do you know if any one of them owned improvements there at that time? A No, sir.
- Q Did any of them, within six months after the treaty was ratified by Congress, go before the government agent in the old Choctaw Nation and tell him that they wanted to stay and become citizens of the States and to take land there? A No, sir; I don't know anything about it.
- Q Did any of them ever claim or receive land from the United States government under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- Q You are sure of that are you? A Yes.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay in Mississippi and become citizens of the States and take lands under the fourteenth article of this treaty; and on this account the government at its public land sales in Mississippi and Alabama in many instances sold lands upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1843 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their lands had been sold by the government. These Commissioners were duly appointed.

ted by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before these Commissioners and attempt to establish their rights to Choctaw lands under this fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should finally be decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in place thereof vacant government land in the states of Mississippi, Alabama, Louisiana, or Arkansas, and that he should be given a certificate therefor. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A No, sir.
- Q So far as you know none of your people ever received any benefits from the United States government as Choctaw Indians? A No, sir.
- Q Do you know if any of them when this treaty was made were recognised members of the Choctaw tribe of Indians? A No, sir.
- Q Do you know of any old persons living who would likely know if your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or received any benefits thereunder? A No, sir, I don't.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence to offer at this time? A No, sir.
- Q Have you any witnesses here to-day? A No, sir.
- Q If you should find any witnesses whose testimony you desire to have taken they may appear before the Commission for that purpose within 15 days from this date and their testimony will be taken, or if you have any written evidence, such proper written evidence, if submitted within 15 days, will receive the consideration of the Commission.
- Q Are there any further statements you want to make in support of your application? A No, sir.
- Q Have you any brothers living? A Yes, sir, one.
- Q What is his name? A Franklin Arnold.
- Q Have you the same mother? A Yes, sir.
- Q Have you any brothers that are dead? A Yes, sir, one.
- Q What was his name? A Rufus Arnold.
- Q Did he leave any children? A Yes, five.
- Q Are they living? A Yes, sir.
- Q What are their names? A Well really I could not give them to you. I have not been to see him for five years and I only know the eldest child.
- Q What is his name. A Calvin.
- Q Have any of these children been before the Commission? A No, sir.
- Q Have you any sisters living? A Yes, sir.
- Q How many? A Three living.
- Q What are their names? A Manerva Bmyan, Caroline Jemer, and Rilla Buffington.
- Q Have they been before the Commission? A No, sir.

Q Have you any sisters dead? A Yes, sir.
 Q How many? A Two.
 Q Did either of them leave children? A Yes, both of them.
 Q What is the name of your oldest deceased sister? A I just can't remember what is her name; the name of the next one is Ann Runyan.
 Q How many children did she leave? A Four.
 Q Are they living? A They was the last time I heard.
 Q What are their names? A Madison Runyan, Annie Runyan, Essie Runyan, and Matt Runyan.
 Q Do you remember the names of your oldest deceased sister? A I could in a little time, but I can't just now.
 Q Has your mother any brothers living? A No, sir.
 Q She had one brother? A Yes, sir.
 Q What was his name? A John Smith.
 Q Did he leave any children? A Yes, sir.
 Q How many? A Two.
 Q What are their names? A Wiley and Charles Smith.
 Q Have they ever been before the Commission? A No, sir.
 Q Did he leave any other children? A Yes sir, but I can't give an account of it. I knew one of them.
 Q What was his name? A Matt Smith.
 Q Did your mother have any sisters? A One.
 Q What was her name? A Fannie Adams.
 Q Did she leave any children? A Yes, sir.
 Q Any of them living? A One.
 Q What is its name? A Carrie.
 Q You don't speak or understand the Choctaw language? A No, sir.

This applicant has the appearance of being a negro; shows no indication of being possessed with Indian blood; does not speak or understand the Choctaw language, and has no knowledge of any active compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

H. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 10th day of July, 1902, and that the above and foregoing is a true and correct transcript of his stenographic notes taken in said cause on said date.

H. B. Eisenberg

Subscribed and sworn to before me this 18 day of July, 1902.

Chas. L. V. Emerson

Notary Public.

M. 16
COPY.

*W.D.L.
C.W.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

—

In the matter of the application of William M. Arnold, et al.,
for identification as Mississippi Choctaws, M.C.R. 4036.

— DECISION —

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by William M. Arnold for himself and his four minor children, Jessie,
Cora, Theodore and W. D. Arnold, under the following provision of
the act of Congress approved June 23, 1896 (30 Stats., 400):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to what end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descended

of Watson (or Madison) Arnold, who is alleged to have been a half blood Choctaw, and Mary Jane Arnold, who is alleged to have been a full blood Choctaw, and who are alleged to have been the maternal grand-parents of the principal applicant. It further appears from the testimony that the said Watson (or Madison) Arnold was named after his father, but it does not appear that his said father was possessed of Choctaw blood. It is also shown by the testimony that Mary Jane Arnold's mother was named Mary Jane, but her surname is not given, neither is it shown that she was possessed of Choctaw blood.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Watson (or Madison) Arnold, or Mary Jane Arnold, or a less remote ancestor, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions

authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Arnold, Josie Arnold, Cora Arnold, Theodore Arnold and G. D. Arnold, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Samuel D. May

Acting Chairman.

(SIGNED).

T. C. Jenkins

Commissioner.

(SIGNED).

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

JAN 21 1903.

M C R 8048
M C R 8897
M C R 8038

Muskogee, Indian Territory, August 6, 1902.

J.C. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst., enclosing the following documents:

The joint affidavit of Ellen Hill, Sarah Hill and Susan McNeill, witnesses to the marriage between Clay Scott and Lucinda Bell, offered in support of the Mississippi Choctaw application of Clay Scott, et al.

Certificate of marriage between Saleb Jones and Sarah Mahala, offered in support of the Mississippi Choctaw case of Sarah Jones, et al.

Marriage license and certificate between Willie Arnold and Francis Rose, offered in support of the Mississippi Choctaw case of William H. Arnold, et al.

The same have been filed with the records in these cases.

Yours truly,

Acting Chairman.

COPY.

M.D.R. 6039.

Muskogee, Indian Territory, January 21, 1903.

Wanfield, McMurray & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William H. Arnold, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Arnold, Josie Arnold, Cora Arnold, Theodore Arnold and G. D. Arnold as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, January 21, 1903.

J.B. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William H. Arnold, et al, applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1892 (20 Stats., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Arnold, Josie Arnold, Cora Arnold, Theodore Arnold and O. D. Arnold, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

V
J. C. L. #2.

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Neelica

Commissioner in Charge.

Registered.

COPY.

M.C.R. 6039.

Muskogee, Indian Territory, January 21, 1903.

William H. Arnold,
Brodshaw, Arkansas.

Dear Sir:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William H. Arnold, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Arnold, Josie Arnold, Cera Arnold, Theodore Arnold and G. D. Arnold, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office

W. K. A. # 2.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 6, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the report in the case of William H. Arnold, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 21, 1903.

The Commission has the honor to report that the principal applicant, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
2 Enc. M.C.R. 6039

C. R. Breckinridge.
Commissioner in Charge.

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10111-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of William H. Arnold, for himself and his four minor children, Josie, Cora, Theodore and G. D. Arnold, wherein a decision adverse to the applicants was rendered by the Commission on January 21, 1903.

The ancestors through whom these applicants claim, as shown by an examination of the evidence, are Mateen (or Madison) Arnold, and Mary Jane Arnold, who, it is alleged, were citizens of the Choctaw Nation.

The Commission states in its decision that it fails to find either the name of Matson (or Madison) Arnold, or Mary Jane Arnold in its list of those persons who complied or offered to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office has been made in relation to this application for identification, and the names of Matson (or Madison) Arnold, or Mary Jane Arnold are not found to be included in the list of those persons who complied or sought

-2-

to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I have, therefore, to recommend that the decision of the Commission in this case be approved.

Very respectfully,

(sgd) A. C. Tonner,

Acting Commissioner.

A.B.F. M'r.

3 enclosures.

D.C. 11670-1903.
I.T.D. 3134-1903
LRS.

(Copy)

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 22, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 6, 1903, you transmitted the record in the case involving the applications for identification as Mississippi Choctaw of William H. Arnold (M.O.R. 6089), for himself and his four minor children, Josie, Cora, Theodore and G. D. Arnold, including your decision of January 21, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Watson (or Madison) Arnold, who is alleged to have been an one-half blood Choctaw Indian, and Mary Jane Arnold, who is alleged to have been a full blood Choctaw, and who are alleged to have been the maternal grand-parents of the principal applicant.

The record fails to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and
it is hereby affirmed.

Respectfully,

(signed)

THOS. RYAN.

Acting Secretary.

1 inclosure.

H.C.R. 4039.

COPY.

Muskogee, Indian Territory, April 30, 1903.

William H. Arnold,

Bradshaw, Arkansas.

Dear Sir:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William H. Arnold, et al., of which decision you were advised by registered mail on the 11st day of January, 1903.

Respectfully,

(SIGNED).

James Dixby,
Chairman.

M.O.B. 6039.

COPY.

Wakarusa, Indian Territory, April 30, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William H. Arnold, et al., of which decision you were advised by mail on the 21st day of January, 1903.

Respectfully,

(SIGNED)

Tamie Dixby,
Chairman.

M.C.R. 6039.

COPY.

Muskogee, Indian Territory, April 30, 1903.

J. C. Lowery,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William H. Arnold, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

(SIGNED)

Tame Dixie
Chairman.

For Identification as a Mississippi Choctaw.

JUL 10 1907

Name ^{Date} William Arnold

Age 40 Blood $\frac{1}{3}$ (P) ($\frac{3}{8}$)

Post-Office, Bradshaw, Ark.

Father: Matt Arnold d

Mother: Mary Jane " d

Claims through mother

wife Mary Jane Arnold L
No claim for wife.

Self, children "

Children:

Josie Arnold F 16

Cora " F 14

Theodore " m 12

Ed " m 10

Stenographer

R. B. Eisenberg.

Choctaw MCR 6040

Clay Scott

MCR 6040

6040

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Clay Scott, et al.,
for identification as Mississippi Choctaws, M. C. R. 6040.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Clay Scott, et al.,

	Page.
Original application of Clay Scott, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,	1
Joint affidavit of Ellen Hill, Sarah Hill and Susan McNeill,	8
Decision of the Commission to the Five Civilized Tribes, refusing the application of Clay Scott, et al., for identification as Mississippi Choctaws,	9

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, I. T., July 10, 1902.

#6040.

In the matter of the application of Clay Scott for the identification of himself and his six minor children, John, Carroll, Georgia, Sammie, Pearlre and Henry, as Mississippi Choctaws.

J. C. Lowery, Esq., Attorney for Applicant.

Clay Scott, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Clay Scott.
Q How old are you? A Fifty-five.
Q How much Choctaw blood do you claim? A One-half.
Q What is your post office address? A Bradshaw, Arkansas.
Q How long have you been there? A All my days.
Q Where were you born? A Born in Arkansas.
Q Is your father living? A My father died when I was two years old.
Q What was his name? A Pollard Scott.
Q Is your mother living? A No, sir.
Q What was her name? A Lettie Scott.
Q She had no Choctaw blood? A Yes, sir.
Q How old would your father be if living now? A Over 100 years old; about 110 years old.
Q How much Choctaw blood did he have? A His father was a full blood.
Q His mother had no Choctaw blood? A I don't know whether she had or not.
Q Your father was a half blood? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Your father and mother were too? A No, sir.
Q You are sure of that? A Yes, sir, I can prove it.
Q Your mother was a slave? A She was not; she was used but I have been told they had no right to use her.
Q Who brought her here? A A white family by the name of Ross.
Q Could your father speak the Choctaw language? A They said he could.
Q Could your mother speak it? A Yes, sir, they said she could.
Q Who said she could? A The old white people who lived there.
Q Can't you remember whether she spoke it or not? A Yes, sir, she talked different from other colored people and she looked like a Choctaw.
Q How old would she be if living now? A She would be something like 89 years old.
Q She did not have a Choctaw name did she? A No, sir.
Q Did your father have any other name except Pollard Scott? A No, sir.
Q Do you know the names of Lettie's father and mother? A Her mother's name was Katie.
Q Do you know the name of Lettie's father? A No, sir.
Q Did Katie have any Choctaw blood? A My mother said she had.
Q Did she tell you how much? A She said she was one-half.
Q Did your mother's father have any Choctaw blood? A Yes, sir.
Q How much? A Two-thirds, I guess. I only knew what the old

- white people told.
- Q Were your father and mother legally married? A I guess they were it is further back than I remember.
- Q How many children were born to them? A Twelve.
- Q How long did they live together? A Until he died. I don't know how long they lived together; the children are all dead but three of us.
- Q Are you married? A Yes.
- Q Is your wife living? A Yes.
- Q What is her name? A Lucinda Scott.
- Q Has Lucinda any Chectaw blood? A No, sir. She is a Creek.
- Q You make no claim for her? A No, sir, not a bit.
- Q How many children have you? A I have 10 living children.
- Q How many of them are under age and unmarried? A Six.
- Q What are their names and ages? A John, age 17; Carroll, age 13; Georgia, age 12; Sammie, age 7; Pearlle, age 7; and Henry, age 5.
- Q Are Sammie and Pearlle twins? A Yes, sir.
- Q Are all these children living with you? A Yes, sir.
- Q Are they all the children of yourself and Lucinda? A Yes, sir.
- Q Have you been married more than once? A No, sir.
- Q Was your wife? A No, sir.
- Q What are the names of your children of age and married? A Frank Scott, Willie Scott, Horace Scott and Ella Scott.
- Q Is Ella Scott married? A Yes.
- Q What is her married name? A Becker.
- Q Has any of these four children been before the Commission? A No, sir.
- Q They are all the children of yourself and Lucinda? A Yes, sir.
- Q How many girls are married? A Ella.
- Q What other girls are married? A Mattie Scott.
- Q Then you have 11 children living instead of 10? A I have ten children around me.
- Q How many children have you that are alive to-day? A I have 10.
- Q You have named 11. Now name your children, beginning with the oldest? A Frank, Willie, Horace, Ella, Mattie.
- Q Now you have given the names of six under age? A I have at home under age, John, Carroll, Georgia, Sammie, Pearlle and Henry.
- Q How are the last six you named living with you at this time? A Yes, sir.
- Q Then you have 11 living? A Yes, I guess I have.
- Q Were you married to Lucinda under a marriage license? A Yes, sir.
- Q When? A Since the emancipation of the war.
- Q How long since? A We were married two years after the war.
- Q Have you been living with her ever since? A Yes, sir, ever since.
- Q Where were you married? A About two miles from where I am now living.
- Q Who married you? A A man by the name of Hunter; he is dead.
- Q Have you your marriage license here to-day? A No, sir.

It will be necessary that you furnish legal evidence of your marriage to Lucinda in support of your application for the identification as Mississippi Chectaws of these six minor children. This evidence should be furnished within 15 days from this date.

- Q You are now making application for yourself and six minor children are you? A Yes.
- Q Is your name or the names of any of your children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A Not that I knew of.
- Q Was your mother? A Not that I knew of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Choctaw tribe of Indians? A No, sir.
- Q Did you, or any one for you or for your minor children, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under act of June 10, 1896? A No, sir.
- Q Then neither you nor any of these children have never been admitted to citizenship in the Choctaw Nation Indian Territory by either the Choctaw tribal authorities, the Commission to the Five civilized Tribes, or by the United States Court for Indian Territory? A No, sir.
- Q Has any application been made before to-day for the purpose of establishing your rights as Choctaw Indians? A Only by the citizens down there; they told me I had a right and I came up.
- Q I mean has any application been made before this time to establish your rights? A No, sir.
- Q You appear before the Commission at this time for the purpose of claiming lands in the Choctaw Nation Indian Territory for yourself and your six minor children under the provisions of Article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on the 8th day of September, 1830, between the United States government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw Indians and the Chickasaw Indians, and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave the old Choctaw Nation and for the benefit of these who wished to remain article fourteen was put in the treaty. This article provided that under certain conditions Choctaws who desired to remain in the old Nation might receive lands there. It is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over the age of ten years, and a quarter section to such child under the age of ten years, to adjoin the location of the parent.

If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity.

- Q Do you understand that fourteenth article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this article fourteen or receive any benefits from the United States government? A No, sir.
- Q Did any of your ancestors live there in the old Choctaw Nation in Mississippi and Alabama in 1830 at the time this treaty was made? A Not that I know of.
- Q Did any of them own any improvements there at that time? A No, sir, not that I ever heard of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaws between the years of 1833 and 1838? A Not that I know of.
- Q Did any of them, within six months after the ratification of this treaty of 1830, let the government agent in the old Choctaw Nation know that they wanted to remain there and become citizens of the States and take lands there? A Not that I know of.
- Q Did any of them receive or claim land from the United States government under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land. The records of the government show that this agent failed to register and report the names of many Choctaws who did in fact let him know that they wanted to stay in Mississippi and become citizens of the States and take lands under this fourteenth article; and on this account the government at its public land sales in Mississippi and Alabama in many instances sold lands upon which Choctaws lived and owned improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their lands had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights to Choctaw lands under this fourteenth article of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in place thereof land in the states of Mississippi, Alabama, Louisiana and Arkansas, and that he should be given a certificate therefor. These certificates were called scrip.

- Q Did any of your ancestors receive any of this scrip from the United States government? A Not that I know of.
- Q None of your ancestors received any benefits whatever as Choctaw Indians? A No, sir.
- Q You don't know whether they were recognized members of the Choctaw tribe of Indians or not? A They were among the Choctaws all the time.
- Q You don't know whether they were recognized members of the tribe or not? A No, sir.
- Q Do you know of any one living who would likely know if your ancestors ever received any benefits under article fourteen or not? A Old man Elias Mitchell; he was about 96.
- Q You think he would likely know whether they complied with the provisions of this article fourteen? A I suppose he ought to know.
- Q What is his post office address? A Bradshaw, Arkansas.
- Q Do you know of any one else? A Only a lady, Mrs. Nellie Wells.
- Q Does she live at Bradshaw? A Yes, sir.
- Q You don't know of any written evidence which would prove or tend to prove that your ancestors complied or attempted to comply with this article fourteen of the treaty of 1830? A No, sir.
- Q Have you any written evidence which you wish to present at this time? A No, sir.
- Q Have you any witnesses here to-day to testify in your behalf? A No, sir. A

If you find any witnesses whose testimony you desire to have taken before the Commission they may appear within 15 days, or if you have any written evidence you desire to present such proper written evidence, if submitted within 15 days, will receive the consideration of the Commission.

- Q Are there any further statements that you desire to make? A No, sir.

By Mr. Levery:

- Q You was about 18 when your mother died? A Yes.
- Q Did you ever hear her say whether your father owned any property in Mississippi or Alabama? A I never heard her say anything about it.
- Q Well now Mr. Scott let us get this straightened out about your blood. From which side do you claim your Choctaw blood— from your father or from your mother? A I claim more from my mother, but I really claim from both.

- Q What did you mother always teach you about your father as to how much Choctaw blood he had? A She always told me he was a full blood.
- Q And he was never a slave? A No, sir.
- Q Now just tell the Commission what the blood of your mother was? A My mother was with the Choctaw tribe but I don't know just how much Choctaw she was.
- Q What blood did she claim? A She said that some of her folks were mixed with the Greeks.
- Q Was she really a slave or did she claim to be kidnapped? A She claimed she was taken away from down there where she came from.
- Q Where did she come from? A Between Alabama and Mississippi. My father was locked up in jail at that time; he was locked up for three days.
- Q Your mother never married any more after your father died? A No, sir.

By the Commission:

- Q Have you any brothers living? A No, sir. They are all dead. I have two sisters living.
- Q Did any of your deceased brothers leave children? A Yes.
- Q How many of them? A Both of them; Jessie and Marian.
- Q How many children did Jessie leave? A One.
- Q Is that child living? A I don't know.
- Q What is its name? A Tamm.
- Q Was Tamm married? A Yes, sir.
- Q What was her husband's name? A John Reddicks.
- Q How many children did Marian leave? A Left two boys and one girl.
- Q What were their names? A I don't know their names; the eldest son is dead.
- Q Did his eldest son leave children? A Yes, sir.
- Q What are their names? A I don't know.
- Q What was the name of the eldest son? A Henry.
- Q What was the name of the next eldest? A Burney.
- Q What was the name of his daughter? A Delia.
- Q Was Delia married? A Yes.
- Q To whom? A Columbus Trigg.
- Q How many sisters did you have? A Two.
- Q What are their names? A Ellen Hill and Lucinda Mitchell.
- Q Have they ever been before this Commission? A No, sir.
- Q Have you any sisters dead? A Three.
- Q What were their names? A Jane Browning, Eliza Townsend, and Susan Clark.
- Q How many children did Jane leave? A Three.
- Q What were their names? A Charlotte, Mary Jane, and Young Browning.
- Q What are the names of the children of your next sister? A Mattie and Jessie. Jessie is living at Hot Springs. I don't know if Matt is living or not.
- Q What was Jessie's married name? A A Jessie Allen.
- Q Has Susan any children living? A Yes, sir.
- Q How many? A I don't know how many.
- Q You don't know any of their names? A No, sir; I know the eldest son's name. His name is Henry.
- Q You told us that your father and mother had 12 children born to them. You have not counted that many have you? A I don't know how many. I have a sister that is dead that went to Oklahoma.

- Q What was her name? A Roma Heard.
Q Do you know of her family? A Sam, Sally and Amanda is all that I remember of.
Q Have you any other sister? A I have a brother dead that was not married named John; one died back in the old country named Aaron.
Q What about the other one? A There is another one dead named John.
Q Did you have two brothers by the name of John? A Did I give you John? A Yes, sir.
Q What was the name of the other one? A The next one is Bill.
Q Did Bill leave any children? A No, I don't remember.
Q You do not speak the Cheetaw language do you? A No, sir.

This applicant has the appearance of being a negro; shows slight indications of being possessed of either white or Indian blood; his hair and mustache is inclined to be straight; does not speak or understand the Cheetaw language; has no knowledge of any active compliance on the part of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

H. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 10th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

H. B. Eisenberg

Subscribed and sworn to before me this 18 day of July, 1902.

Guy L. V. Emerson

Notary Public.

COPY.

CW

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Clay Scott, et al.,
for identification as Mississippi Choctaws, M.C.R. 6040.

----- D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Clay Scott for himself and his six minor children, John, Carroll, Georgia, Sammie, Pearlle and Henry Scott, under the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

eighteen hundred and thirty, by reason of being descendants of Pollard Scott, who is alleged to have been a half blood Choctaw, and Lettie Scott, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated. The principal applicant further states that the father of the said Pollard Scott was a full blood Choctaw, surnamed Scott, but he is unable to state his given name. It also appears from the testimony that Lettie Scott's mother was a half blood Choctaw named Katie, surname not given. It is impossible for the Commission to determine from the testimony whether the Choctaw ancestors of the applicants, more remote than the aforesaid Pollard Scott and Lettie Scott, were beneficiaries under the provisions of article fourteen of the treaty of eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty

-2-

of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Pollard Scott, or Lottie Scott, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Clay Scott, John Scott, Carroll Scott, Georgia Scott, Sammie Scott, Pearlle Scott and Henry Scott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Wm. Dixby

Acting Chairman

T. B. Needles.

Commissioner

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

FEB 4 1903

N C R 8048
N C R 8047
N C R 8049

Muskogee, Indian Territory, August 6, 1908.

J. S. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst., enclosing the following documents:

The joint affidavit of Ellen Hill, Sarah Hill and Susan McNeill, witnesses to the marriage between Clay Scott and Lucinda Hill, offered in support of the Mississippi Choctaw application of Clay Scott, et al.

Certificate of marriage between Caleb Jones and Sarah Mahala, offered in support of the Mississippi Choctaw case of Sarah Jones, et al.

Marriage license and certificate between Willie Arnold and Francis Rose, offered in support of the Mississippi Choctaw case of William H. Arnold, et al.

The same have been filed with the records in these cases.

Yours truly,

Acting Chairman.

COPY

Muskogee, Indian Territory, February 4, 1903.

Clay Scott,

Bradshaw, Arkansas.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Clay Scott, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1899, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-ninth, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Clay Scott, John Scott, Carroll Scott, Georgia Scott, Sammie Scott, Pearlle Scott and Henry Scott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

C. S. 2.

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Taine Bixby

Acting Chairman.

Registered.

M.C.R. 6040,

COPY,

Muskogee, Indian Territory, February 4, 1902.

J. G. Lowery,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Clay Scott, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

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Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Clay Scott, John Scott, Carroll Scott, Georgia Scott, Sammie Scott, Pearlle Scott and Henry Scott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have

J. C. L. R.

been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6040.

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Clay Scott, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 498).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Clay Scott, John Scott, Carroll Scott, Georgia Scott, Sammie Scott, Pearlle Scott and Henry Scott as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Clay Scott, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Jame Dixby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6040

Muskogee, Indian Territory, March 4, 1903.

Clay Scott,

Bradshaw, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, relative to the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws. You ask that you be allowed further time in which to submit additional evidence.

In reply to your letter you are informed that the fifteen days from February 4, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 19, 1903. On February 20, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

Land.
12772-1903.

C O P Y.
Department of the Interior,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Gay Scott for himself and his six minor children, John, Carroll, Georgia, Sammie, Pearlle and Henry Scott, for identification as Mississippi Choctaws, claiming rights as such, under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Pollard and Lettie Scott, father and mother of the principal applicant, it being claimed that they were Choctaw Indians and residents of the Choctaw Nation in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants Feb. 4, 1903, because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Pollard and Lettie Scott and it is discovered that their names do not appear among the names of those who

complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842 for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts, it is the opinion of this office, that the decision of the Commission rejecting the applicants is correct and is accordingly recommended for approval.

Very respectfully,

A. E. Tonner,

Acting Commissioner.

C.T.C.

D.T.O. 13526

C O P Y.

FILE.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 3896-1 903.
L R S

May 5, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 20, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Clay Scott (M.C.R. 6040), for himself and his six minor children, John, Carroll, Georgia, Sammie, Pearlle and Henry Scott, including your decision of February 4, 1903, denying said application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Pollard Scott, who is alleged to have been an one-half blood Choctaw, and Lettie Scott, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting the ~~Commissioner~~ April 22, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision,
and it is hereby affirmed.

Respectfully,

THOS. Ryan,

Acting Secretary.

1 inclosure.

RECEIVED
JAN 10 1918

COPY.

M.F.B. 8040

Muskogee, Indian Territory, May 18, 1903.

J. O. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Olay Scott, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Jane Bixby

Chairman.

COPY.

M.C.H. 8040

Muskogee, Indian Territory, May 18, 1903.

Clay Scott,

Bradshaw, Arkansas.

Dear Sir:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Clay Scott, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tame Bixby
Chairman.

COPY.

M.O.R. 6040

Muskogee, Indian Territory, May 18, 1903.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Clay Scott, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

For Identification as a Mississippi Choctaw.

JUL 10 1902

Name ^{Date} Clay Scott

Age 55 Blood 1/2

Post-Office, Bradshaw, Ark.

Father: Pollard Scott d

Mother: Lettie " d

Claims through both parents.
 wife Lucinda Scott. L
 No claim for wife.

For self and children

Children:

John Scott 17

Barroll " 13

Georgia F 12

Sammie " M 7

Pearlie " F 7

Henry " 5

Georgia " 12

Pearlie "

Stenographer

R. B. Eversberg

Choctaw MCR 6041

Charles R. Pratt

See MCR 3326

MCR 6041

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 11, 1902.

#0041.

In the matter of the application of Charles R. Pratt for the identification of himself and his minor child, Lee Pratt, as Mississippi Choctaws.

E. W. Isaac, attorney for applicant.

Charles R. Pratt, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Charles R. Pratt.
Q How old are you? A I am going on thirty; twenty-nine my last birth-day--10th of last May.
Q How much Choctaw blood have you? A Claim one-half of my mother's strain. Seven-eighths I think, or something like that; I claim one-half of her's.
Q What is your post office address? A Lumbus, Texas.
Q How long have you lived in the state of Texas? A I was born there.
Q Lived there all your life? A No sir, I haven't lived there-- I have traveled around a good deal; that's where I was born at.
Q Is your father living? A Yes sir.
Q What is his name? A Henry Pratt.
Q Is your mother living? A Yes sir.
Q What is her name? A Mary Pratt.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q Father has no Choctaw blood? A No sir.
Q How old is your mother? A Which?
Q How old is your mother? A I don't exactly know, but I think though she is in fifty somewhere.
Q Where was she born? A She was born I think in Arkansas.
Q Go from there to Texas? A Yes sir.
Q Was she a slave? A Not that I know of. Never heard her say she was.
Q Through which one of her parents did she get her Choctaw blood? A Her father.
Q What was his name? A Wasuf.
Q What was his given name? A I don't know.
Q Did you ever see him? A No sir, never seen him.
Q Where was he born? A I don't know.
Q Do you know any place that he ever lived? A Well, I don't know anything about him.

#2.

- Q How much Choctaw blood did he have? A Full blood, what I was told.
- Q Who told you that? A I have heard my mother say so.
- Q Do you know the names of his parents--his father and mother?
- A No sir.
- Q Did this Indian have a Choctaw Indian name? A Which, the one that I am speaking of now?
- Q Yes? A Wagar, I don't know whether that's an Indian name or not.
- Q Do you know the names of any of your Choctaw ancestors further back than your mother's father? A No sir, I have never heard any of them.
- Q What was your mother's mother's name? A Julia.
- Q She had no Choctaw blood did she? A No sir; at least I haven't heard of it.
- Q Did your mother ever have any brothers? A Yes sir.
- Q How many? A One.
- Q Same father as your mother? A Yes sir.
- Q What was his name? A Jack.
- Q Is he living now? A No sir, he's dead.
- Q Did your mother ever have any sisters? A Not by that man; she had some sisters by other men; her mother married again.
- Q Was Julia married to this man Wagar? A I don't know.
- Q Do you know how long they lived together? A I don't know.
- Q Only two children were born to them? A Just two children.

It will be necessary that you furnish the Commission with evidence of the marriage of this Choctaw Wagar and your mother's mother. You will be allowed fifteen days from to-day within which to offer evidence of the marriage of your mother's mother to this Choctaw Wagar.

By the applicant:

Must I bring them in person?

By the Commission:

You can furnish written evidence. The best evidence would be their marriage license and certificate or certified copy. If you can't get that you will have to get affidavits of persons as to their marriage; the affidavits say of two disinterested persons.

- Q Has your mother been before this Commission? A Not that I know of.
- Q How your mother was a half blood Choctaw according to your statement? A Yes sir.
- Q And your father has no Choctaw blood? A No sir.
- Q That would make you a quarter wouldn't it? A I suppose so.
- Q Has your mother ever been in the Indian Territory? A What do you mean--ever lived here?
- Q Yes? A No sir, not that I know of.
- Q Then she has never been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, has she? A No sir.

#1.

Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Martha Pratt.
Q Has she any Choctaw blood? A Yes sir, but then I don't know what it is.
Q You don't make any claim for her? A No sir.
Q Have you any children? A Yes sir.
Q How many? A One.
Q What is that child's name? A Leo.
Q Living with you at this time? A Yes sir.
Q What is his age? A Three years.
Q Is he the child of yourself and Martha Pratt? A Yes sir.
Q This application then is for yourself and one minor child? A Yes sir.
Q Have you been married more than once? A No sir.
Q Has your wife? A Yes sir.
Q She has? A Yes sir.
Q How many times has she been married? A This is her second time; I am her second husband.
Q What was her first husband's name? A Rance Butler.
Q Is he living? A No sir.
Q When did he die? A Five years ago.
Q Were you married to Martha under a license? A Yes sir.
Q When? A Pittsburg.
Q When, I say? A In 1896, the 8th of November.
Q Were you married at Pittsburg, Texas? A Yes sir.
Q Who married you? A Coleman Canada, a minister of the gospel.
Q Have you your marriage license and certificate with you to-day? A No sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Martha to be used in connection with the application you make in behalf of your minor child. This evidence should be furnished within fifteen days from to-day.

Q How long after her first husband died was it that you married Martha, or was it before? A It was after he died about two years---right close at two.
Q Is your name on any of the Choctaw tribal rolls in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
Q Has any application of any description ever been made before to-day for you or this child, for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory,

44.

for yourself and child, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain back there in Mississippi and Alabama, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that in case a Choctaw preferred to remain back in the old Nation in Mississippi and Alabama and not move out west to the new Nation, he should have the right to select land back there and receive it from the government upon certain conditions. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You think you understand that fourteenth article? A No sir, I cant say that I do.

Well in case a Choctaw who might have been living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made, decided that he preferred to remain back there and not move out to the new Nation he had the right to receive land back there from the government upon certain conditions. First, he was required by the terms of that fourteenth article, to let the Agent of the government there in Mississippi know within six months from the time this treaty was ratified that he wanted to stay there and become a citizen of the states and take land. The Treaty was ratified on February 24, 1831. Now after he so let the Agent know that he wanted to stay there and become a citizen of the states and take land, he was entitled to a reservation of one section of six hundred and forty acres of land, or a piece of land one mile square; and for each child in his family unmarried and over ten years of age on the 27th

day of September, 1830, the day this treaty was made, he was entitled to a half section or three hundred and twenty acres, and for each child under ten years of age at the date the treaty was made he was entitled to a quarter section; the reservations of the children were required by the terms of the fourteenth article to adjoin the location of the parent, and the reservations so made for these Indians were required in every instance to include the improvement of the head of the family as it existed on September 27, 1830, the day this treaty was made. Now if the Indians lived on this land back there in Mississippi for five years from the time this treaty was made ratified, that is, five years from February 24, 1831, intending to become citizens of the states, they were entitled to a grant in fee simple to the land. That is, the government would give them a patent to it and the land would become the property of the Choctaw to dispose of it at his own pleasure. The last part of that fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is, a Choctaw who might have been living back there and decided to stay and take lands under the provisions of this fourteenth article, and in fact received land under that article, should not by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever moved out west to the new Nation here he was not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaws from the government of the United States under treaty provisions.

- Q How do you think you understand that fourteenth article clearly?
 A I think I understand it.
- Q Did any of your Choctaw ancestors--ancestors means forefathers you knew--live in the old Choctaw Nation in Mississippi and Alabama seventy-two years ago when this treaty was made?
 A I don't know, but I think I have some witnesses that know it. I don't know it myself.
- Q You never heard of them living back there? A Yes sir, I have heard that some of my foreparents lived back there.
- Q Who? A My mother's father.
- Q This man Vasuff? A Yes sir.
- Q You have heard then that this man Vasuff lived in the old Choctaw Nation in Mississippi and Alabama in 1830 have you? A Yes sir.
- Q When did you hear that? A I have heard it a good while; I have heard my mother say so.
- Q That he lived there in 1830? A Yes sir.
- Q How did she come to make that kind of a remark to you?
 A I suppose she heard other people say so.
- Q How did you come to be talking about that? A I was talking to her about coming up here and claiming a right.
- Q How old would he be if living now? A I don't know.
- Q Have you any idea? A No sir, I don't.
- Q Do you know whether he or any other of your Choctaw ancestors owned an improvement back there in the old Nation in Mississippi or Alabama in the year 1830 when this treaty was made?

#4.

A No sir, I don't.

Q Do you know whether he or any other of your Choctaw ancestors ever claimed or received any land back there in Mississippi from the government under this fourteenth article? A No sir, I don't know.

Q Did you ever heard of any of your Choctaw ancestors ever having received any land from the government? A No sir.

Q Do you know whether any of your Choctaw ancestors removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir, I don't know anything about it.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land?

A I haven't heard.

Q So far as you know then none of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the provisions of article fourteen of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?

A Not that I knew of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had

complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress?
- A Not that I know of.
- Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaw Indians? A Not that I know of.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830? A No sir, I don't know.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of 1830 or ever received any benefits thereunder?
- A I don't know.
- Q Don't know of any, is that what you mean to say? A I think I know one.
- Q What is the name of that person? A Lillie Preston.
- Q Is she any relation to you? A No sir.
- Q About how old is she? A I don't know.
- Q Where does she live? A She lived in Texas now.
- Q Can't you give us an idea about how old she is? A She is an old gray-headed lady.
- Q Has she any interest in the result of your application? A No sir, not that I know of.
- Q Do you know of any one else that would know about this matter?
- A I don't know as I do.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts, any deeds or patents or papers of any kind that would prove that any of your people ever complied with the provisions of this fourteenth article? A No sir, not that I know of.
- Q Have you any written evidence of any kind to offer at this time in support of your application; anything to give us--any papers to file? A No sir, I have some witnesses, though.
- Q Are they here now? A They will be here to-morrow; they will be here in the morning.

If you should find any witnesses in addition to these who will be here in the morning whose testimony you desire to have taken in support of your application, they may appear before us within fifteen days and their testimony will be taken; or if you should see fit to offer any written evidence in support of your application, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

50.

By the attorney:

- Q What was your grandfather's name? A Wasuf.
Q Is that differently pronounced or just Wausap? A I pronounce it Wasuf.
Q How is it spelled generally? A The way I would spell it is Wasuf or something like that.
Q How have you seen it spelled in public print? A I have never seen it that I know of.
Q Where was your mother born? A In Arkansas.
Q She's about how old? A She's somewhere in fifty. I don't know.
Q She was born in Arkansas was she? A Yes sir, that's what she said.
Q Did you ever see this man--your grandfather? A No sir.
Q Don't know anything about him? A No sir.
Q What is your knowledge as to where he came from; where he was born; where he came from? A Mississippi.
Q Well you have no understanding yourself as to that, but that's what you have---? A It's my impression.
Q How how much Cheetaw blood has your mother? A Half I suppose.
Q How much Cheetaw blood did this Indian Wasuf have? A Said to be full blood.
Q Did her mother have any Cheetaw blood in her? A Not as I know of.
Q Did you ever live in the Cheetaw Nation? A No.
Q Yes? A I have never stayed here or had a permanent home here; I have traveled through here.
Q Any relatives living in the Cheetaw Nation claiming rights as Indians or claiming land? A No sir.
Q Did your mother have any sisters or brothers? A Had a brother.
Q Did he ever establish a right in the Cheetaw Nation?
A No sir, not as I know of.

By the Commission:

- Q Are there any further statements you want to make in support of your application? A Nothing only the witnesses I want to introduce in the morning.
Q Have you any brothers living? A Yes sir.
Q How many? A Six more beside myself; there is seven of us.
Q Give us their names, the oldest first? A Henry Pratt.
Q Next? A My name is Charlie; I am the second oldest.
Q Next one after you? A Edward Pratt.
Q Next? A Matthew Pratt.
Q Next one? A Thomas Pratt.
Q Next one? A Emmett.
Q Next one? A Chester.
Q That's all is it? A Yes sir.
Q Have they been before the Commission? A Not that I know of.
Q Have you any sisters living? A Yes sir.
Q How many? A Six.
Q What are their names; if they are married give us their married names? A Fannie Brown, Willis Sealy,

#9.

- Q Next? A Hattie Carter, Lizzie Steward,
Q Next one? A Daisy Haynes, Lillie Rayford.
Q Is that all of them? A Yes sir.
Q Have you any brothers dead? A Not that I know of.
Q Any sisters dead? A No sir.
Q Have any of your sisters been before the Commission? A Not
that I know of.
Q What is the name of your mother's brother--full brother?
A Jack.
Q Did Jack leave any descendants--any children? A No sir, I
never heard of any that he left.
Q And your mother didn't have any other full brothers or sisters
who had the same father as she? A No sir, not that I ever
heard of.
Q Did this Indian Vasuf ever have any brothers or sisters to your
knowledge? A No sir.
Q You don't speak or understand the Choctaw language do you?
A No sir, not but very little; little but not of any account.

This applicant has the appearance of being a full blood
negro; shows no indications of being possessed of Indian
blood; he doesn't speak or understand the Choctaw language
and has no knowledge of the compliance on the part of his an-
cestors with any of the provisions of the fourteenth article
of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported the proceedings had in the above entitled cause on the 11th
day of July, 1902, and that the above and foregoing is a full, true
and correct transcript of his stenographic notes taken in said
cause on said date.

Subscribed and sworn to before me this 21st day of July, 1902.

Chas. L. V. Emerson
Notary Public.

W O R 6041

Muskogee, Indian Territory, July 19, 1902.

Es W. Lamm;

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th inst., enclosing two affidavits of Lilly Freston which you offer for filing in support of the application of Charles R. Pratt, for the identification of himself and his minor child as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,

Commissioner in charge.

M.C.R. 6041

COPY

Muskogee, Indian Territory, December 18, 1902.

Charles R. Pratt,

Lanier, Texas.

Dear Sir:

You are hereby advised that on the 18th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Pratt, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Pratt, et al.,	M.C.R. 3326
Lizzie Steward, et al.,	M.C.R. 3327
Charles R. Pratt, et al.,	M.C.R. 6041

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Pratt, Thomas Pratt, Daisy Pratt, Chester Pratt, Annie May Edmond, Lena Edmond, Eddie Edmond, Lizzie Steward, Daisy Steward, Charles R. Pratt and Leo Pratt as such should therefore be refused, and it is ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Pixby.

Acting Chairman.

Registered.

M C R 6042

COPY.

Muskogee, Indian Territory, April 7, 1903.

Charles R. Pratt,
Lanier, Texas.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Pratt, et al., of which decision you were advised by registered mail on the 18th day of December 1902.

Respectfully,

SIGNED

C. R. Breckinridge.
Commissioner in Charge.

No. 6041

For Identification as a Mississippi Choctaw.

JUL 11 1897

Date
Name *Charles R. Pratt*

Age *29* Blood *1/4*

Post-Office, *Lanarius, Tex.*

Father: *Henry Pratt* L

Mother: *Mary* " L

Claims through mother
wife *Martha Pratt* L
No claim for wife.

Children:

Leo Pratt 3

Stenographer

A. G. McMillan

Recd of The Commission of the Free Carried
Libra one Copy of testimony in M.C.R.
No 6041.

S. N. Isaac

Mr. Koger. Ind. Lib.
Aug 2. 1902.

Choctaw MCR 6042

William A. Woodall

See MCR 4639

MCR 6042

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 19, 1902.

In the matter of the application of William A. Woodall
for the identification of himself and his minor child Beanie
Woodall as Mississippi Choctaws.

Applicant represented by W.N. Redwine, Attorney at Law.

William A. Woodall being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William A. Woodall.
Q How old are you Mr. Woodall? A I was fifty-eight last April.
Q How much Choctaw blood do you claim to have? A I claim one-eighth.
Q What's your post office address? A Cuba, Alabama.
Q How long have you lived in the state of Alabama? A Lived there all my life.
Q In what county is Cuba? A Sumter.
Q Is your father living? A No he's dead.
Q What was his name? A Little Woodall.
Q Is your mother living? A She's dead.
Q What was her name? A Mary A. Woodall.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q In what year was your mother born? A She was born in 1814.
Q You claim she was a quarter-blood Choctaw do you? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood? A Her mother.
Q What was her mother's name? A Mary Frances Walker.
Q What was your mother's father's name? A John Walker.
Q What was your mother's mother's maiden name? A Walker.
Q Your mother's mother's maiden name? A Chamberlis, Mary Frances Chamberlis.
Q Through which one of her parents did she get her Choctaw blood? A That's as far back as I can go.
Q Where was your mother born? A She was born in Green County Alabama.
Q How long did she live in Green County Alabama? A I can't give it exact; from 1826 until about 1835 maybe '37.
Q She lived there continuously until? A Yes sir; until she moved into Sumter.
Q And she was living with her mother during all that time was she? A Up to her marriage you mean; yes until she moved to Sumter County.
Q She lived with her mother? A Yes sir.
Q Her residence was the same? A Yes sir.
Q Do you know where Mary Frances Walker was born? A I can't tell you where she was born; born somewhere in Mississippi; maybe through or Alabama; I think in the state of Mississippi; I'm not sure of that.
Q Did she have a Choctaw mother? A I can't say as to that.
Q How many brothers or sisters did your mother have? A She had six.

William A. Woodall--2.

- Q How many brothers? A She had four brothers; I'm just a little bit hard of hearing.
- Q And two sisters? A Yes sir.
- Q How many of your mother's brothers or sisters were older than she? A Well I don't know that; I can't give it exact; I don't know how they come in rotation; there was John and, let's see -- I don't know as I can answer that correctly but there's several; she was one of the youngest; probably the fourth; I can't tell you exactly about that; there may have been four older than she was.
- Q Your mother never lived in Indian Territory? A Never did; no sir.
- Q She was never recognized in any manner or enrolled as a member of the tribe? A Never was; no sir.
- Q Are you married? A I'm married.
- Q Wife living? A She's living.
- Q What's her name? A Sarah E.
- Q Has she any Choctaw blood? A None at all.
- Q You make no claim for her then? A No claim.
- Q How many children have you living? A I have five.
- Q How many of them are under twenty one years of age and unmarried? A There's one under twenty one and there's two we are not married.
- Q What's the name of the one under age and unmarried? A Beattie.
- Q How old is she? A She's a little over nineteen. I don't think I can give the date.
- Q Is she living with you at this time? A Yes sir.
- Q Is she a child of yourself and Sarah E. Woodall? A Sarah E. Woodall, yes sir.
- Q Have you been married more than once? A I haven't been married but once.
- Q Has Sarah E. Woodall been married more than once? A Only once.
- Q Were you married to her under a license? A Under a license we were.
- Q When? A In 1867.
- Q Where? A It's now Hale County; previous to that time it was Green County.
- Q Have you your marriage license and certificate with you at this time? A Yes sir.

Certified copy of the marriage license and certificate of William A. Woodall and Sarah E. Ham offered in evidence identified as exhibit A and made a part of the recording this case.

- Q Mr. Woodall are you the William A. Woodall referred to in this marriage license which you now present? A I am.
- Q And Sarah E. Ham referred to therein is your wife and the mother of your five children is she? A Yes sir.
- Q What are the names of your other children; I want the eldest first; if they are daughters give their married names.
- A William D. Woodall; Mary Woodall, it's Cannady now, Lela Woodall, unmarried.
- Q The next one? A Albert Woodall. That's all.
- Q Are these children here today? A They are all here, yes sir.
- Q Are they the children of yourself and S.E. Woodall? A They are the children of myself and Sarah E.

William A. Woodall--3.

- Q This application is for yourself and one minor child? A Yes sir.
- Q Is your name or the name of that child to be found upon any of the Choctaw tribal rolls in Indian territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian territory for yourself and this minor child to be admitted or enrolled as members of that tribe?
- A Never did.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or this child under the act of Congress approved June 10, 1896.
- A Did not.
- Q Then neither of you have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States Court or the Dawes Commission have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as Choctaw Indians? A There has not.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the fourteenth article of the treaty of Dancing Rabbit Creek? A I do.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian territory. At the time this treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that? A I understand that, yes sir.
- Q Did any of your ancestors live in the old nation there in Mississippi and Alabama in 1830 when this treaty was made?
- A My grandfather and grandmother.
- Q What are their names? A John Walker and Mary Frances Walker.
- Q Where did they live in 1830? A In Green County Alabama.
- Q How do you know they lived there at that particular time?
- A Only know from - know where the old homestead is and what I have heard from my parents and relatives.
- Q Do you know whether they ever owned any improvements in 1830.
- A They owned some land; I don't know how much.
- Q Was that land under cultivation? A It was then.
- Q You don't know how much? A No sir I don't know how much.
- Q Do you know what other improvements they had on that land?
- A No I don't; I think my grandfather had a little mill there; it might have been since then I don't know that he did at that time.
- Q John Walker? A John Walker yes.
- Q He was a white man? A Yes sir.
- Q And Mary Frances Walker did you state was a half blood Choctaw? A Yes sir.
- Q Do you know whether any of your ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi and become citizens of the states and take land? A No I don't know as I did.
- Q Do you know whether any of them removed to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1835? A I don't know.
- Q Did any of your ancestors ever receive any land in Mississippi from the government under the fourteenth article of the treaty of Dancing Rabbit Creek? A My grandfather did, that's my understanding.
- Q John Walker? A John Walker; yes sir.
- Q How did you get that idea? A Only through my grandmother she used to talk about where they lived, the Sumpter place and the Green County place. And I knew both the old Walker homesteads, in the only way.
- Q Do you know that that land was received from the government under the fourteenth article of the treaty of Dancing Rabbit Creek? A That's what's said.
- Q When did you first hear that? A A good many years ago. Through my Uncles. I've heard that through my uncles and may have heard my grandmother speak of the old home and the river place.
- Q How long have you been familiar with the fourteenth article of the treaty of Dancing Rabbit Creek? A Well I ain't been very familiar with it until the last twelve months.
- Q But you are quite sure that prior to that time you had understood that this land was received under the fourteenth article? A Yes sir I'm sure of that; as hearsay through my parents and uncles; that's the only way I had to get any information at all was through them because I was too young to remember anything back that far.

William A. Woodall--5.

- Q Now which place was it they got from the government?
A The Alabama place - Sumpter County.
Q On which side of the Tombigby River is that place?
A On the west side of the river in Sumpter County.
Q How far from the river? A Not very far.
Q Do you know the numbers of land? A I have got possession of the numbers.
Q You have got possession of the numbers taken from the government records? A I got them from the government records through my attorney.
Q Do you know the numbers of the old homestead that we are talking about? A I did compare the numbers with the old homestead and a good lot of it corresponded exactly.
Q How much land was there in what you call the old homestead there? A I've heard there's twenty four hundred acres. There's three whole sections and some fractional sections.
Q How long did that land remain in your family? A About five or six or six or seven years.
Q Did you ever see or hear of any deed or patent issued to any of your ancestors regarding this land? I've heard about the patent but I can't tell when it was.
Q You never saw such a patent? A I never saw it; no sir. It seems to me I heard the patent was issued later on; in '37 or '38 or maybe later; maybe in '40 or '41 but I can't say with any certainty about that.
Q Your claim then is that your grand father John Walker complied with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek and that his family received benefits under it? A Yes sir.
Q Do you know the names of your mother's brothers and sisters all of them? A Yes sir.
Q What are their names? A John, James, Gouldsby, William, Walker.
Q Now the sisters? A Elizabeth.
Q Is she older than your mother? A Yes sir she's older.
Q What was her married name? A Ryan.
Q The next one? A Nancy.
Q What was her married name? A Her married name was Massay.
Q The next one? A My mother Mary.
Q Were either of those girls married more than once? A I don't think they was; no sir; I think not.

On page 18, volume 1 of the records of the Court of Claims in the case of the Choctaw Nation of Indians vs the United States, number 12742 appears a list or register of Choctaws who signified within six months from the 24th day of February 1831, the day the treaty of Dancing Rabbit Creek was ratified, their intention to remain in Mississippi and become citizens of the states and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that said John Walker received for the numbers

William A. Woodall--6.

of his family three and three-fourths sections of land under the fourteenth article of the treaty of panning rabbit creek. On page thirty-two of a copy of the list of reservations as registered and located under the provisions of the treaty of panning rabbit creek by Colonel George W. Martin, United States Locating Agent, appears the name of John Walker, it appearing that at the time the treaty was made that John Walker had four children in his family or ten years of age and three children in his family under ten years of age; that he was awarded by Colonel Martin, section twenty nine, township nineteen, range one east, containing six hundred and forty one acres; fractional sections thirty, township nineteen, range one east, containing six hundred and eleven and seventy-five one hundredths acres; Section twenty eight township nineteen, range one east containing six hundred and forty acres; fractional section twenty one township nineteen range one east containing three hundred and twenty one acres; fractional section twenty, township nineteen, range one east, containing eighty-nine and sixty-one hundredths acres, and the west half of the northwest quarter of section thirty-two, township nineteen range one east containing eighty acres.

- Q What evidence have you Mr. Woodall that the John Walker r whose name appears upon Colonel William Ward's register and upon the register of Locating Agent George W. Martin is in fact your grand father John Walker? A I never seen my grandfather but I know it through my parents and uncles and where he lived and where he died.
- Q What evidence have you that he is in fact the same man; what makes you think he's the same man? A I think it's the same man from the name and the number of seven children and what you find on record and as I understand the land that is allotted to him, tracing it on down, that's my reasons for thinking he's the same John Walker and the Indian blood that was in my grandmother.

Examination by Attorney W. N. Redwine:

- Q Did you ever see your grandfather John Walker? A I never did.
- Q Do you know where he's buried? A I do.
- Q Where is he buried? A He's buried in Hale County Alabama.
- Q How far is that from where you live? A That's about sixty miles from where I live.
- Q Have you examined the records to see whether he sold the land which he selected? A Yes sir I compared that with the numbers you gave me and they show up exactly the same numbers.
- Q You state that he had sold the land and moved from there before he died? A He had moved from there before he died.
- Q Did you ever see your grand mother? A I have.
- Q Did she visit your home? A She lived with my father seven or eight years.
- Q How old were you at that time? A Well during her life I was from three to eight years old; at the time she lived with us.
- Q You may state whether or not she resembled an Indian from appearance and talk? A Yes sir she had the appearance of an Indian and talk and complexion; she talked like Indian.

language.

- Q What is the general understanding of the people in that section of the country about you having Indian blood and your ancestors; have you heard any talk by the people?
- A Yes sir nearly all the old people- there's not ma ny living there now that know- there's some that do but most of the older people are dead; there's a few who would know my grandmother and know she had Indian blood.
- Q How far is this land located from where you now live, that John Walker selected in 1830? A About thirty miles.
- Q You have been living there all your life? A Yes sir.
- Q Have you ever been near this place? A Now I live in Sumpter County; the land he selected was in Sumpter - all the same county - about thirty miles from my home place- I dont believe it's that far; I will say thirty - twenty-five probably.
- Q Have you been near this place or on the old homestead? A Yes sir; I have been on the old homestead.
- Q Is the house he ~~still~~ lived in still there? A No sir; there's no house there at all.
- Q Did you ever hear any of your uncles or your grandmother speak about this old homestead where John Walker lived.
- A I did on one occasion; my uncle was out there; spoke of going to visit the old homestead.
- Q Which one was it? A Gouldsby; they was in conversation and he spoke of going over and visiting the two places.
- Q To whom was he speaking? A To my mother
- Q In speaking to your mother about visiting the old home place was that the place which has been heretofore mentioned in the evidence? A Yes sir; one of them.
- Q Which John Walker selected? A Yes sir.
- Q You are informed then by your relatives that John Walker your grandfather selected land in 1830 and moved on the place which is heretofore mentioned in this testimony?
- A Yes sir.
- Q Is there anything else you want to state? A I cant remember anything just now.

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Examination by the Commission:

- Q Do you know whatever became of that patent that was issued to your grandfather? A No sir I dont.
- Q You have no idea where it is? A No I dont know whatever became of the patent.
- Q Now in answer to an interrogatory by Mr Redwine you referred to having compared certain land numbers; what did you mean by that. A The numbers that he gave me; that land that had been allotted to him in 1832 - just found out whether this land he lived on compared with those numbers of the land in Sumpter which I found they did - part of it.
- Q How did you ascertain that? A I went over on the land and found out through parties there the number of the section - township - parties living in there - just to get the numbers of the land and found out where the homestead was and compared the number; now I dont say that every one of them corresponded but I suppose they did; some of them

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did.

Q Which one of them did you compare? A Well on twenty-nine was there where the old homestead was, nine-teen, one.

Q You say you went to that neighborhood and found out that a part of his land which you state was the old homestead was section twenty-nine, township nineteen, range one? A Yes sir I did.

Q Now did you find out about any other of that land?

A Well not much but I suppose it all corresponded from the information I received and to the best information I could get they all corresponded.

Q You didn't go to the office of the Register of Deeds there in Sumpter County Alabama did you? A No sir I got those from Mr. Redwine.

Q Have you any written evidence of any kind to offer at this time Mr. Woodall in support of your application?

A Not if I understand you right.

Q Has he Mr. Redwine?

A (By Mr. Redwine) No sir; nothing but the marriage license

Q You will be allowed a period of fifteen days in which to submit proper written evidence in support of this application.

A Can't you give us a little more time than that; I'm going out west with a sick son; I don't believe I can make it.

By the Commission: I will say thirty days. Or if you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within a period of thirty days from today and their testimony will be taken.

Q Are there any further statements you want to make? A I believe that's all.

Q Have you any brothers living? A No sir.

Q None living? A None living.

Q Have you any sisters living? A I have two sisters living.

Q What are their names; their married names if they are married? A There's Martha Lee.

Q Has she been before the Commission? A No sir she has not.

Q Where does she live? A Somewhere in Mississippi; near New Orleans - the Louisiana line somewhere I can't tell the post office.

Q What's the name of the other sister? A Julia Brunson.

Q Has she been before the Commission? A No sir.

Q Have you any brothers dead who left children? A No sir.

Q Have you any sisters dead who left children? A Yes sir; have two dead who left children.

Q What was the name of the oldest one of your deceased sisters who left children? A Elizabeth James.

Q How many children did she leave? A She left three.

Q Are they living now? A Yes sir.

Q What are their names? A William, Mary.

Q Is Mary married? A Yes sir.

Q What's her husband's name? A Allen.

Q And the next one? A James, Little James.

Q Has she been before the Commission? A They have not.

Q Where do they live? A Little James lives in Sumter, Mary Allen lives in Choctaw County Alabama; William lives in Tennessee; I don't know the county; he's here; I can get the county.

William A. Woodall--8.

did.

Q Which one of them did you compare? A Well on twenty-nine was there where the old homestead was, nine-teen, one.

Q You say you went to that neighborhood and found out that a part of his land which you state was the old homestead was section twenty-nine, township nineteen, range one? A Yes sir I did.

Q Now did you find out about any other of that land?

A Well not much but I suppose it all corresponded from the information I received and to the best information I could get they all corresponded.

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A Not if I understand you right.

Q Has he Mr. Redwine?

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By the Commission: I will say thirty days. Or if you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within a period of thirty days from today and their testimony will be taken.

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Q Has she been before the Commission? A No sir she has not.

Q Where does she live? A Somewhere in Mississippi; near New Orleans - the Louisiana line somewhere I can't tell the post office.

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Q Has she been before the Commission? A No sir.

Q Have you any brothers dead who left children? A No sir.

Q Have you any sisters dead who left children? A Yes sir I have two dead who left children.

Q What was the name of the oldest one of your deceased sisters who left children? A Elizabeth Jones.

Q How many children did she leave? A She left three.

Q Are they living now? A Yes sir.

Q What are their names? A William, Mary.

Q Is Mary married? A Yes sir.

Q What's her husband's name? A Allen.

Q And the next one? A James, Little James.

Q Has he been before the Commission? A They have not.

Q Where do they live? A Little James lives in Sumpter, Mary Allen lives in Choctaw County Alabama; William lives in Tennessee; I don't know the country he's here; I can get the county

William A. Woodall--3.

- Q He's here today? A Yes sir.
- Q How many of your mother's brothers' left children? A Well only one I believe. Gouldsby.
- Q How many children did Gouldsby leave? A I don't believe I could state how many; there were three I believe.
- Q What are their names? A One's Joseph, Alberta.
- Q Is Alberta married? A Yes sir.
- Q What's her husband's name? A Gains.
- Q The next one? A Now let's see; Elizabeth.
- Q Is she married- Elizabeth? A Yes sir she married a Dean.
- Q Do you know whether they have been before the Commission or not? A I understand that Mrs Gains has; I don't know about Dean.
- Q Now how many of your mother's sisters' left children? A Two; they both left children; I don't know any of the children.
- Q Do you know the names of Mrs. Ryan's children? A I don't think I could give all the names; John, Joseph and James; that's my recollection.
- Q Are any of them living now? A I don't believe they are; I'm not sure of that.
- Q Are any of their descendants living now? A I think so; yes sir.
- Q Do you know their names? A I've heard of Walter Ryan.
- Q Where does he live? A I think he lives in the Indian Territory somewhere.
- Q Do you know the names of any others? A I can't give you the names of any others.
- Q How are any of the descendants of your mother's other sister living? A Other sister? There is; I think so; Nancy; there's some living but I can't give their names; Nancy Massey.
- Q Where does she live? A She's dead; did live in Hering County Alabama.
- Q Are any of her descendants living? A I understand they are; I don't know their names.
- Q What's the name of the other sister? A That's all the sisters of mother; Ryan and Massey.
- Q Did Mrs. Massey have any other children? A I don't know; I can't say; I understand there's some of her descendants living.

Examination by W.N. Redwine.

- Q Are all of John Walker's children dead? A All dead, yes sir.

Special reference is hereby made to M.C.R. 4639 Alberta W. Gains et al., the applicants in said case and the applicant in this case being the descendants of John Walker and Mary Frances Walker, nee Chambliss when the applicant claims compliance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

This applicant has the appearance of a white man; shows no indications of being possessed of Indian blood; has rather dark hair, dark complexion and dark eyes; does not speak

William A. Woodall-2.

or understand the Choctaw language; he claims to be a direct lineal descendant of John Walker who signified for his family to Colonel William Ward, United States Indian Agent in Mississippi within six months from February 24, 1833 an intention to remain in Mississippi and become citizens of the state and take land under the fourteenth article of the treaty of purchasing Rabbit Creek and whose name appears upon Colonel William Ward's Register.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 12th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 17 day of July 1902.

Guy L. V. Emerson
Notary Public.

N 6 2 0042.

Muskogee, Indian Territory, August 12, 1902.

V.E. McGraw,

Attorney at Law,

South Holicotee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th inst., in which you request that you be furnished a copy of the testimony of William A. Woodall in the matter of his application for the identification of himself and his minor child as Mississippa Chostawa.

A copy of the same is herewith enclosed you. There is also enclosed a receipt which please date, sign and return.

Yours truly,

Mrs. E.I. 00.

Acting Chairman.

M.C.R. 6042

Muskogee, Indian Territory, October 4, 1902.

W. N. Redwine,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of October 1, 1902, wherein you enclose the affidavit of William A. Woodall, setting forth his reasons for desiring to have the depositions of certain witnesses taken in support of his application for identification as a Mississippi Choctaw pending before the Commission to the Five Civilized Tribes; also the direct interrogatories to be propounded to said witnesses and proof of service of copies thereof on the attorneys for the Choctaw and Chickasaw Nations.

These documents being in proper form have been filed with and made a part of the record in the case of William A. Woodall, et al., and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, commissions will be issued for the taking of these depositions and forwarded to William A. Woodall as requested by you.

Respectfully,

Acting Chairman

M. C. R. 6042

Muskogee, Indian Territory, October 21, 1902.

William A. Woodall,
Cuba, Alabama.

Dear Sir:

Enclosed please find a commission to take the deposition of R. F. Miller upon the direct and cross interrogatories thereto attached, the same to be read in evidence in your application for identification as a Mississippi Choctaw. Also attached to said commission are a caption and certificate which are to be filled out by the Notary before whom the deposition is taken.

Immediately upon receipt of these documents you will have them placed in the hands of an officer authorized by law to take depositions, and when the taking thereof is completed have him return them to this Commission in order that the application in which they are to be filed may be brought to a final determination at as early a date as possible.

Respectfully,

Acting Chairman.

1 inclosure.

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M. C. R. 6042

Muskogee, Indian Territory, October 21, 1902.

William A. Woodall,
Cuba, Alabama.

Dear Sir:

Enclosed please find a commission to take the deposition of Clementine Watts upon the direct and cross interrogatories thereto attached, the same to be read in evidence in your application for identification as a Mississippi Chectaw. Also attached to said commission are a caption and certificate which are to be filled out by the Notary beforewhom the said deposition is taken.

Immediately upon receipt of these documents you will have them placed in the hands of an officer authorized by law to take depositions, and when the taking thereof is completed have him return them to this Commission in order that the application in which they are to be filed may be brought to a final determination at as early a date as possible.

Respectfully,

Acting Chairman.

1 inclosure.
O.F.

Muskogee, Indian Territory, October 21, 1902.

William A. Woodall,
Cuba, Alabama.

Dear Sir:

Enclosed please find a commission to take the deposition of T. E. Guilder upon the direct and cross interrogatories there-
to attached, the same to be read in evidence in your application for
identification as a Mississippi Choctaw. Also attached to said com-
mission are a caption and certificate which are to be filled out by
the Notary before whom the said deposition is taken.

Immediately upon receipt of these documents you will have
them placed in the hands of an officer authorized by law to take de-
positions, and when the taking thereof is completed have him return
them to this Commission in order that the application in which they
are to be filed may be brought to a final determination at as early
a date as possible.

Respectfully,

Acting Chairman.

1 inclosure.

U.M. 5

Miss. Cheataw 4639
6042

Muskogee, Indian Territory, October 29, 1902.

Holding & Bailey,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

There is inclosed you herewith a copy of the order of the Commission granting a continuance in the consolidated Mississippi Cheataw case of Alberta W. Gaines, et al., until November 20, 1902.

Respectfully,

AB 4-29

Miss. Choctaw 4639

6042

Muskogee, Indian Territory, October 29, 1902.

W. H. Redwine,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 27, asking for a continuance in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al. until November 20, 1902, and inclosing motion therefor.

There is inclosed you herewith a copy of the order of the Commission granting the continuance asked for in this case until November 20, 1902.

Respectfully,

Muskogee, Indian Territory, November 29, 1902.

W. N. Redwine,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you ask if a stenographer in the employ of the Commission will be permitted to make certified copies of certain records. You suggest that Mr. Bagwell, a stenographer employed by the Commission, be allowed to make said copies; that you have written him on the subject.

In reply you are informed that the Commission cannot permit its employees to perform work of the character requested by you. As stated in our former communication, any reputable notary public will be given access to the records for the purpose of making such copies as you desire.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 19, 1903.

W. A. Woodall,
Cuba, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., by reference from Commissioner Breckinridge. Therein you ask to be advised as early as possible of the decision of the Commission in the consolidated Mississippi Choctaw case of Alberta W. Gainer, et al. You state that it is very important that you should have this information in order that you may know how to begin preparations for the next planting season.

In reply to your letter you are informed that the Commission has not, up to the present time, reached any opinion or decision relative to the right of the several applicants included in this case to be identified as Mississippi Choctaws. As soon as a decision is rendered the several applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. At the present time the applicants in this case occupy the status of applicants for identification as Mississippi Choctaws whose right to such identification has in no manner been determined.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6042.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

William A. Woodall,
Cuba, Alabama.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hugin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

James E. Long

Chairman.

Register.

MCR-6042.

Muskogee, Indian Territory, March 16, 1907.

William A. Woodall,
Cuba, Alabama.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 16, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

Savannah, August 16th 1902.

RECEIVED of the Commission to the Five Civilized Tribes
a copy of the testimony of William A. Woodall, in the matter of the
application for identification of himself and his minor child
as Mississippi Choctaws, M.C.R. 6042.

(Signed) . . .

William A. Woodall
By W H Redwine atty
for applicant

For Identification as a Mississippi Choctaw.

Date

JUL 12 1902

Name

William A Woodall

Age

58

Blood

1/8

Post-Office,

Cuba, Ala.

Father:

Little Woodall

d

Mother:

Mary G. "

d

Claims through mother.

wife

Sarah E. Woodall L

No claim for wife.

Children:

Bessie Woodall

19

Stenographer

Clara M. Wood

Choctaw MCR 6043

Mary A. Cannady

See MCR 4639

MCR 6043

8042.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee Indian Territory, July 12, 1902.

In the matter of the application of Mary A. Cannady for the identification of herself and her three minor children Siddle Marie, Minnie Elizabeth and William J. Cannady as Mississippi Chetaws.

Applicant represented by W. H. Redwine, Attorney at Law.

Mary A. Cannady being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary A. Cannady.
Q How old are you? A Four ty two.
Q How much Cheetan blood have you? A One sixteenth.
Q What's your post office address? A Near Alabama.
Q What county in Alabama? A Sumpter.
Q How long have you lived in Sumpter County Alabama?
A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A William A. Woodall.
Q Is your mother living? A Yes sir.
Q What's her name? A Sarah E. Woodall.
Q Through which one of your parents do you get your Cheetan blood? A My father.
Q Is the William A. Woodall who appeared before the Commission here today your father? A Yes sir.
Q Has he ever been recognized in any manner or enrolled as a member of the Chetaw tribe of Indians in Indian Territory?
A No he has not.

It will be necessary that there be furnished in connection with this application evidence of the marriage of your father and mother; if such evidence is furnished in your father's case of course it will be considered in your case; this evidence must be furnished within fifteen days from today.

- Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A Herman Cannady.
Q Was he any Cheetan blood? A No has not.
Q You make no claim for him? A No sir.
Q Have you any children living? A Three.
Q What are their names and ages the oldest first? A Siddle Marie Cannady.
Q How old is she? A She will be four years old the sixth of December next December.

Mary A. Cannady--2.

- Q What's the name of the next child? A Minnie Elisabeth.
Q How old is she? A She will be two years old the 1st of November.
Q What's the name of the next one? A William J.
Q How old? A Two months old.
Q Are these children living with you at this time all of them? A Yes sir.
Q Are they the children of yourself and Norman Cannady?
A Yes sir.
Q This application then is for yourself and three minor children? A Yes sir.
Q Through which one of his parents did your father get his Choctaw blood? A From my grandmother.
Q Which one of his parents - his father or mother? A His mother.
Q What was her name? A Mary Woodall.
Q Through which one of her parents did she get her Choctaw blood? A From her mother.
Q What was her mother's name? A Mary Frances Walker.
Q What was her maiden name? A Chasulias.
Q Do you know where your father was born? A In Sumpter County Alabama.
Q He has lived there all his life has he? A No he s.
Q Do you know where his mother was born? A I cant tell you; I dont know. I did know but I have forgotten; Green County.
Q His mother?
Q Yes your father's mother; if you know; if you dont, say you dont know. A In Green County; I had heard but I had forgotten until then.
Q Do you know where Mary Frances Chasulias was born? A I dont know.
Q Do you know how old she would be if living now? A No.
Q Do you know how old your father's mother would be if she was living now? A She was seventy five when she died.
Q When did she die? A In eighty-one.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A It is not.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
Q You have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities? A No.
Q Is this the first application of any kind that has been ever made in your behalf for the purpose of establishing your rights in the Choctaw Indian? A It is.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the fourteenth article of the treaty of Pandung Rabbit Creek? A I do.
Q You understand that fourteenth article? A Yes.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits under it? A Not that I know of.
Q Did any of them own an improvement in what constituted the

Mary A. Cannady--3:

Choctaw nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.

Q Did any of them within six months after this treaty of panola Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land?

A I don't know.

Q Did any of them remove to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A Not that I know of.

Q Did any of them ever claim or receive any land from the government under article fourteen of the treaty of panola at Rabbit Creek? A I don't know.

Q Did you ever hear of any of your ancestors ever having gotten any land from the government back there at that time in the thirties? A Not that I know of.

Q You never heard of any of your people having gotten any land back there from the government? A No.

In accordance with the provisions of this fourteenth article of the treaty of panola at Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register the names of a great many Indians who did in fact let him know they wanted to stay and become citizens of the states and on this account the government at its public land sales in Mississippi in many instances sold land on which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down there to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of panola at Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi and heard a great many of these Choctaw cases.

Q Do you know whether any of your ancestors appeared before any of these commissioners and attempted to establish their rights under article fourteen of the treaty? A Not that I know of.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article

Mary A Gammy 4.

fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land in someplace else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrips.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of.
- Q Did you ever hear that any of your ancestors ever received any benefits as Choctaw Indians? A No.
- Q Do you know whether any of them were recognized members of the tribe in 1830 when this treaty was made? A I don't know.
- Q Do you know of anyone living who would likely know whether any of your ancestors ever complied with this treaty provisions or ever received any benefits under it.
- A I do not.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts?
- A No.
- Q Have you any written evidence of any kind to offer at this time? A I have not.
- Q Have you Mr Redwine?
- A (By Mr Redwine) No.
- Q You have no witnesses here today have you? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Natchez within a period of thirty days from today and their testimony will be taken or if you should find any written evidence which you desire to submit in support of your application such proper written evidence as may be filed within thirty days from today will receive the consideration of the Commission.

Examination by W.H. Redwine, Attorney at law.

- Q Who is your great grandfather? A John Walker.
- Q Did you ever hear your parents, your father, speak of John Walker? A I have.
- Q As to whether or not he selected land about 1830 in the state of Mississippi and resided upon it? A I have.
- Q Then you have heard mention that your grandfather John Walker did select land and reside upon it in the state of Mississippi? A Yes sir.
- Q Have you heard your parents speak of about where he lived in the state of Mississippi or Alabama? A In Hale County.
- Q What county do you live in now? A Sumpter.
- Q Have you heard mention by any people who live in that section of the country that you have Indian blood and that your parents had Indian blood in them? A I have.

Examination by the Commission

- Q Have you any brothers or sisters living? A I have.
- Q How many brothers? A Two.
- Q What are their names? A William D. Woodall. Albert Woodall.

Mary A. Gamdy--6.

- Q What are your sisters names? A Bessie Wood all and Lela Woodall.
Q Is Lela married? A No sir.
Q Are your brothers here today? A They are.
Q You dont speak or understand the Choctaw language? A I do not.

Special reference is hereby made to M.C.R. 6043, the principal applicant in that case being the father of the principal applicant in this case; also the M.C.R. 4639 Alberta W. Gaines, et al. the applicants in that case and the applicants in this case being the descendants of a common ancestor who resided in Mississippi in 1800.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; has rather dark hair fair complexion blue eyes; does not speak or understand the Choctaw language; has no knowledge of compliance on part of her ancestors with the fourteenth article of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon hereath states that as stenographer for the Court session to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 12th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 17 day of July 1902.

L. V. Emerson
Notary Public.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY!

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6043.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Mary A. Cannady,
Rosser, Alabama.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
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Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
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James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
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James F. Shamburger,	" 6180
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Robert E. Lee, et al.,	" 6183
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Ann B. Smith, et al.,	" 6276
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Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tamc Dixey.

Chairman.

Register.

MOR-6043.

Muskogee, Indian Territory, March 16, 1907.

Mary A. Cannady,
Rosser, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 18, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. 6043

For Identification as a Mississippi Choctaw.

Date JUL 12 1902
Name Mary A. Cannady
Age 32 Blood 1/16

Post-Office Rosser, Ala.

Father: Wm A Woodall L

Mother: Sarah E. " L

Claims through father.
husband.
Norman Cannady L
No claim for husband

Children:

Siddie A. Cannady 3

Minnie E " 1

William J " 2 mo

For self and 3 children

Stenographer Clara M. Wood.

Choctaw MCR 6044

William D. Woodall

See MCR 4639

MCR 6044

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 12, 1902.

In the matter of the application of William D. Woodall for the identification of himself and his four minor children Lewis B., Bernard R., Annie Mira and Lela Ester Woodall as Mississippi Choctaws.

(Applicant represented by W.N. Redwine, Attorney.)
William D. Woodall being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William D. Woodall.
Q How old are you Mr. Woodall? A Thirty three.
Q How much Choctaw blood have you? A I am a descendant of John Walker.
Q About how much Choctaw blood do you claim to have?
A I suppose it's about one sixteenth.
Q What's your post office address? A Cuba Alabama.
Q What county? A Sumpter County.
Q How long have you lived in Sumpter County? A It's been my home all my life; of course I have been away a short time.
Q Is your father living? A Yes sir.
Q What's his name? A William A. Woodall.
Q Is your mother living? A Yes sir.
Q What's her name? A Sarah Elizabeth.
Q Through which one of your parents do you get your Choctaw blood? A Through my father.
Q Is the William A. Woodall who appears before the Commission this morning your father? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? A He got his through his mother.
Q What is her name? A His mother was Mary Q. Wood all.
Q Through which one of her parents did she get her Choctaw blood? A Her mother.
Q What was her name? A Mary Frances Walker.
Q Do you know where your father was born? A Born in Sumpter County.
Q Lived there all his life? A Yes sir.
Q Do you know where his mother was born? A Born in Hale County Alabama.
Q How long did she live in the state of Alabama? A I suppose pretty well all her life.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Her name is Elmira.
Q M-l-m-i-r-a; has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.

William D. Woodall--R.

- Q Have you any children living? A I have four living.
- Q What are their names and ages the eldest first?
- A Lewis E.
- Q How old? A Nine years old.
- Q The next one? A Bernard R. three years old.
- Q The next one? A Annie Mira.
- Q How old? A Two years old.
- Q The next one? A Lola Ester
- Q How old? A Nine months.
- Q These four children are living at this time? A Yes sir.
- Q They are the children of - all of them - of yourself and Minnie Woodall. A Yes sir.
- Q You have never been married more than once? A No sir.
- Q As she? A No sir.
- Q If his application then is for yourself and four minor children? A Yes sir.
- Q Is your name or the name of your eldest child on any of the Choctaw tribal rolls in Indian Territory A Sir?
- Q Is your name or the name of your eldest child on any of the Choctaw tribal rolls in Indian Territory? A No not that I know of.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for yourself or these children to be admitted or enrolled as members of the Choctaw tribe? A I have not.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself and minor child under the act of Congress approved June 10, 1896. A No.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities? A No I have not.
- Q Has any application of my description ever been made before today for the purpose of establishing your rights or the rights of these children as Choctaw Indians? A There has not.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article fourteen of the treaty of Dancing Rabbit Creek?
- A Yes sir.
- Q Do you understand that fourteenth article? A Well yes sir; I don't know as I could explain it but I have read it.
- Q You think you understand it thoroughly? A Yes sir I think I do.
- Q Did any of your ancestors live in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made?
- A John Walker lived in Mississippi at that time.
- Q What relation is he to you? A My great grandfather.
- Q Did he have any Choctaw blood? A No sir.
- Q What was his wife's name? A Mary Frances.
- Q She was your father's mother's mother? A Yes sir.
- Q Did he own an improvement in the old Nation at that time?
- A Not that I know of.
- Q Did he or any of your Choctaw ancestors within six months from the time this treaty of Dancing Rabbit Creek was made let the agent of the government in Mississippi for the Choctaws know they wanted to stay there and become citizens of the States and take land.

William B Woodall-3.

- A I am told that he complied with the treaty of Dancing Rabbit Creek.
- Q Do you know whether he ever received any benefits under that fourteenth article? A Yes sir he receive land.
- Q Do you know how much? A I think the records show about two thousand acres.
- Q Two thousand? A Yes sir.
- Q Where is that land situated? A In Sumpter County, Alabama? A Yes sir.
- Q How long did he keep that land? A About five years I think.
- Q Did he live on it during that time? A Yes sir I am told that he did.
- Q You are quite sure that he received this land from the government under article fourteen of the treaty of Dancing Rabbit Creek? A Well I haven't seen the records; I'm told that its on the records.
- Q How did you get that information? A Well I got the information from my father.

Special reference is hereby made to M.C.R. 6042 William A Woodall et al the principal applicant in said case being the father of the principal applicant in this case.

- Q Have you any written evidence of any kind showing that this man John Walker or any of your Choctaw ancestors ever complied with this fourteenth article of the treaty of Dancing Rabbit Creek or received land or any benefits under it? A No sir I haven't.
- Q Have you any witnesses here to day Mr Woodall? A No sir no more than is here; I dont know whether they will be made witnesses or not; there's about ten of them.
- Q They are your relatives who are here all of them? A Yes sir.

You will be allowed a period of thirty days in which to offer proper written evidence in support of this application and if you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of thirty days from today and their testimony will be taken.

- Q Are there any further statements you want to make?
- A My marriage license and certificate; shall I file that?

Certified copy of the marriage license and certificate of W.D. Woodall and Elmira. A Phillips offered in evidence identified as exhibit A filed and made a part of the record in this case.

- Q Are you the W.D. Woodall referred to in this marriage license.
- A Yes sir.
- Q And Elmira G. Phillips referred to in this license is your wife and the mother of these children? A Yes sir.

The applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has dark hair, rather dark complexion, blue eyes; does not speak or understand the Choctaw language. He is the son of William A. Woodall M.C.R. 6042 who testified that his grandfather John Walker complied with the provisions of the

William D. Woodall et al.

fourteenth article of the treaty of Pandung Rabbit Creek
and received land in Sumpter County Alabama thereunder.

Reference is hereby made to the record statements con-
tained in the testimony of the William A. Woodall case

Clara Mitchell Wood being first duly sworn upon
her oath states that as stenographer for the Commission
to the Five Civilized Tribes she reported in full all proceed-
ings had in the above entitled cause on the 18th day of July
1902 and that the above and foregoing is a full true and
correct transcript of her stenographic notes of said
proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24 day of July 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS:
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6044.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

William D. Woodall,
Cuba, Alabama.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odell Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED)

Register.

Chairman.

MOR-6044.

Muskogee, Indian Territory, March 16, 1907.

William D. Woodall,
Guba, Alabama.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

Exhibit A

6044

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 12 1902

A handwritten signature in dark ink, appearing to be 'J. H. ...', is written over the stamp.

ACTING CHAIRMAN.

The State of Alabama

Shochoo Sandy } J. Chas. E. McCall

Judge of Probate in

and for said State and County do hereby

Certify that the above and foregoing is

a true and correct transcript of the

Marriage License of N. D. Woodall and

Elmina C. Phillips together with the

Certificate of Marriage License as full

and complete as the same appears of

Record in my office.

Given under my hand and

and Seal of Court this the

3rd day of July A.D. 1902.

Chas. E. McCall

Judge of Probate.

No 322

The State of Alabama Office of the Judge of
Choctaw County } the Probate Court of
Said County.

To any of the State Judges or Chancellors or
to any Licensed Ministers of the Gospel
or to any Justice of the Peace of Said
County. Greeting

Know Ye, That you are
hereby Authorized and Licensed to join
together in the Bond of Matrimony.

Mr W. D. Woodall and Miss Elmina C.
Phillips

Given under my hand and the Seal of
Said Court this the 9th day of January
A.D. 1892.

J. A. Stater

Judge of Probate

To the Hon. J. A. Stater Judge of the Probate
Court of Choctaw County.

I hereby Certify that I this day solemnized
the rites of Matrimony between Mr W. D.
Woodall and Miss Elmina C. Phillips at
Yentley Creek in said County.

Witness my hand this 12th day of
June 1892

A. J. Hearn M. G.

Recorded this 6th day of July 1892

J. A. Stater

Judge of Probate

For Identification as a Mississippi Choctaw.

JUL 12 1907

Date

Name

William Woodall

Age

33

Blood

1/16

Post-Office,

Cuba, Ala.

Father:

W^m Woodall L

Mother:

Sarah E. " L

Claims through

father

wife Elmira Woodall L

No claim for wife

For self and children.

Children:

Lewis E. Woodall 9

Bernard R. " 3

Annie M. " 2

Lela E. " 9mo

Stenographer

Clara M. Wood.

Choctaw MCR 6045

Lela C. Woodall

See MCR 4639

MCR 6045

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 12, 1902.

In the matter of the application of Lela C. Woodall for identification as a Mississippi Choctaw.

Applicant represented by W. H. Redwine, Attorney.

Lela C. Woodall being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lela C. Woodall.
Q How old are you? A Twenty eight years old.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your post office address? A Cuba Alabama.
Q How long have you lived in Cuba? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A William A. Woodall.
Q Is your mother living? A Yes sir.
Q What's her name? A Sarah E.
Q Through which one of your parents do you get your Choctaw blood? A Father.
Q Is the William A. Woodall who appeared before the Commission this morning your father? A He is.
Q Through which one of his parents did he get his Choctaw blood? A Through his mother.
Q What was her name? A Mary Woodall.
Q What was your father's father's name? Your grandfather? A Little.
Q Through which one of his parents did Mary get her Choctaw blood? A Her mother.
Q What was her name? A Mary Grances.
Q What was her maiden name? A Mary Chambliss I believe.
Q Did you ever see her? A My great grandmother? A No sir.
Q I remember my grandmother; I was very small.
Q Are you married? A No sir.
Q Ever been married? A No sir.
Q This application is for yourself only then? A Yes sir.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A He has no.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir it is not.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A I have not.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw nation under the act of June 16, 1895? A I did not.
Q Have you ever been admitted to citizenship in the Choctaw nation by the tribal authorities or the United States authorities? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself under the fourteenth article of the treaty of Mound and Rabbit Creek? A Yes sir.
Q Do you understand that fourteenth article? A Yes sir I understand it.

Kala C. W Odall--2.

- Q Did any of your ancestors ever comply with its provisions or receive any benefits under that article? A I dont know of any.
- Q Did any of them live in the old nation Micaissippi and Alabama in 1830 when this treaty was made? A Well I think my great grand father and mother did; I dont know.
- Q What are their names your great grandfather and grandmother?
- A I dont remember anything about that far back
- Q What are the names of your great grand parents; give me their names? A John Walker and Mary Frances Walker.
- Q Do you know whether either of them owned an improvement in the old nation in 1830 when this treaty was made? A HNo sir.
- Q Do you know whether any of them were within six months after this treaty was made let the agent of the government know they wanted to before citizens of the states and take land? A No sir, any
- Q Do you know whether of them ever claimed or received land from the government under this article? A No sir.
- Q Did you ever hear of any of your Choctaw ancestors ever getting land back there from the government under this treaty?
- A I have heard it spoken of.
- Q Who did you ever hear got land down there from the government of your ancestors; do you remember? A No sir.
- Q Dont remember which one? A No sir.
- Q Do you know where the land was situated? A No sir.
- Q Or whether it was received under the fourteenth article of the treaty? A No sir.

Examination by Attorney W.N.Redwine.

- Q State whether or not you haven't heard your father speak about his grandfather selecting land in the state of Mississippi about 1830? A I have heard him speak of it.
- Q You have heard then that your great grandmother did select land in 1830? A Yes sir.
- Q Have you heard him speak of your great grandmother being a part Indian? A Yes sir I've heard it spoken of.
- Q Have you heard him speak of your great grandfather and grandmother living in that section of the country where you now reside? A No sir; they did live in Green County I heard.
- Q Then you do remember as you now state that your ancestors John Walker and his wife lived in the old Choctaw Nation in 1830 and selected land under article fourteen of the treaty of 1830? A Yes sir.

Examination by the Commission.

- Q Have you any written evidence to offer at this time in support of your application? A No.
- Q Have you any witnesses here today to testify in your behalf? A Any witnesses?
- Q Yes any witnesses? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within thirty days from today and their testimony will be taken or if you should find any written evidence which you desire to offer in support of your application such proper written evidence as may be offered within thirty days will receive the consideration of the Commission.

Lela C. Woodall-3.

A Are there any further statements you want to make at this time in support of your application? A No sir.
Q Do you speak the Choctaw language? A No sir.
Q Do you want to ask any questions Mr Redwine?
A (By Mr. Redwine) No sir.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; has dark hair, dark complexion, dark blue eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Pandeg Rabbit Creek. Special reference however is made to the testimony and records statements made in the case of William A. Woodall et al., M.C.R. 6042 said William A. Woodall being the father of this applicant.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 12th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24 day of July 1902.

Geo. L. V. Emerson
Notary Public.

COPY.

COMMISSIONERS:
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6048.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Lela C. Woodall,
Ouba, Alabama.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Litle E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Little E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Sam Dwyer.

Chairman.

Register.

MCR-6045

Muskogee, Indian Territory, March 16, 1907.

Lela C. Woodall,
Cuba, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. 6045

For Identification as a Mississippi Choctaw.

Date JUL 12 1902
Name ~~Lela~~ *Lena C. Woodall*

Age 28 Blood 1/16

Post-Office, *Cuba, Ala.*

Father: *Wm A Woodall* L

Mother: *Sarah E* " L

Claims through *father.*

For self only.

Children:

Choctaw MCR 6046

Albert E. Woodall

See MCR 4639

MCR 6046

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 18, 1902.

In the matter of the application of Albert E. Woodall for
identification as a Mississippi Choctaw.

E.N. Redwine, Attorney for applicant.

Albert E. Woodall being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Albert E. Woodall.
Q How old are you? A Twenty six years old.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your post office address? A Rossier Alabama.
Q What County? A Sumpter.
Q How long have you lived in Sumpter County Alabama? A All
my life.
Q Is your father living? A Yes sir.
Q What's his name? A William A. Woodall.
Q Is your mother living? A Yes sir.
Q What's her name? A Sarah E. Woodall.
Q Through which one of your parents do you get your Choctaw
blood? A Father.
Q Is the William A. Woodall who appeared before the Commission
here today your father? A Yes sir.
Q Where was he born? A Sumpter County Alabama.
Q How long did he live there? A All his life.
Q Through which one of his parents did he get his Choctaw blood
A Mother.
Q What was her name? A Mary E. Woodall.
Q Through which one of her parents did she get her Choctaw
blood? A Her mother.
Q What was her name? A Mary Frances Woodall.
Q What was her maiden name? A Gumbles I think.
Q Do you know the names of her parents? A No sir I don't.
Q Do you know how much Choctaw blood she had? A One half.
Q What was her husband's name? A John Walker.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Has she any Choctaw blood? A No sir.
Q What's her name? A Annie Woodall.
Q You make no claim for her? A No sir.
Q Have you any children? A No sir.
Q This application then is for yourself only? A Yes sir.
Q Has your father ever been recognized in any manner or
enrolled as a member of the Choctaw tribe of Indians in
Indian Territory? A Not that I know of.
Q Is your name on any of the Choctaw tribal rolls in Indian
Territory? A No sir.
Q Did you ever make application to the Choctaw tribal author-
ities in Indian Territory to be admitted to enrolled as a
member of that tribe? A No sir.
Q Did you in the year 1902 make application to the Commission

- for citizenship in the Choctaw nation under the act of June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities? A No sir.
- Q Is this the first application of any kind you have ever made for the purpose of establishing your rights as a Choctaw? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that fourteenth article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A I don't know.
- Q Do you know whether any of them owned an improvement in what constituted the old nation in Mississippi and Alabama in 1830 when this treaty was made? A I've heard they did.
- Q Which one of your ancestors? A John Walker.
- Q Where did he own that improvement? A It was either in Hale County Alabama or Sumpter County; I can't say positively.
- Q He was your great grandfather? A Yes sir.
- Q Do you know whether he ever claimed or received any land from the government under this fourteenth article? A I have heard that he did.
- Q How much? A About a couple of thousand acres.
- Q Do you know where that land is situated now? A In Sumpter County Alabama I think.
- Q Did you understand that he got that under the fourteenth article of the treaty? A Yes sir.
- Q Do you know whatever became of that land? A No sir I do not.
- Q Have you any written evidence of any kind to show that your grandfather did in fact receive land from the government under article fourteen of the treaty of Dancing Rabbit Creek? A No sir; I have not but I have heard that the records show that he did own that land and that he got it under the fourteenth article.
- Q What record do you mean Mr Woodall? A I mean the county records of Sumpter County Alabama.
- Q You have access to those records have you? they are public records? A Yes sir.
- Q Did you ever look over the records? A No sir.
- Q Do you want to ask him any further questions Mr Redwine?
- A No further questions.

Special reference is hereby made to W.C.R. 6042 William A. Woodall et al., the principal applicant in said case being the father of this applicant; in the William A. Woodall case are full statements of what is disclosed by the records in the possession of the Commission with reference to the compliance on the part of John Walker the ancestor of this applicant with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. Woodall--3.

Q Do you know anything further with reference to compliance on the part of any of your ancestors with the provisions of article fourteen of the treaty of Rancing Rabbit Creek than what you have already told us about? A No sir.

You will be allowed thirty days in which to offer written evidence in support of this application or if you find any witnesses whose testimony you want taken before the Commission they may appear before us here at Muskogee within thirty days from today and their testimony will be taken.

---0---

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; does not speak or understand the Choctaw language.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled case on the 12th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24 day of July 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6046.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Albert R. Woodall,
Reaser, Alabama.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hugin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula F. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tamm Dancy.

Chairman.

Register.

MCR-6046.

Muskogee, Indian Territory, March 16, 1907.

Albert M. Woodall,
Rossier, Alabama.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date JUL 12 1907
 Name Albert E. Woodall

Age 26. Blood 1/16

Post-Office, Rosses Ala.

Father: Wm A. Woodall

Mother: Sarah E. " L

Claims through father's
 wife Annie Woodall L
 No claim for wife

Children:

[Faint handwritten text, possibly a signature or name]

Enographer

[Handwritten signature]

Choctaw MCR 6047

William K. James

See MCR 4639

MCR 6047

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 12, 1902.

In the matter of the application of William K. James for the identification of himself and his minor child, Alburtis Cathleen James as Mississippi Choctaws.

Applicant represented by W.M. Redwine, Attorney at Law.

William K. James being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William K. James.
Q How old are you Mr. James? A I am fifty-one.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q What's your post office address? A Memphis, Tennessee.
Q Your local address? A Three hundred and one, Pontotoc Street.
Q How long have you lived in Memphis? A About seven years.
Q Where did you live before that? A I lived in Chatanooga, about ten years.
Q Where did you live before that? A In Myria, Ohio.
Q How long did you live there? A About eight years.
Q Where did you live before that? A It would be pretty hard to tell; I was all over the United States.
Q Where were you born? A In Sumpter County, Alabama.
Q Is your father living? A No sir.
Q What was his name? A John S. James.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth James.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q How old would she be if she were living now Mr. James?
A She died when she was about twenty or twenty-one.
Q About how old? A I think about - probably about sixty, maybe sixty years old.
Q Where was she born Mr. James? A She would be older than that she would be now - she died in - she would be seventy five I guess now, somewhere along there.
Q Where was she born? A Sumpter County Alabama.
Q Lived there all her life? A Well, pretty well all her life; she lived in Texas for three or four years and then she moved back to Alabama.
Q Through which one of her parents did your mother get her Choctaw blood? A Her mother.
Q What was her mother's name? A Mary Woodall. No, Elizabeth Woodall.
Q Through which one of her parents did Elizabeth Woodall get her Choctaw blood? A From her mother.
Q What was her mother's name? A Mary Woodall. My grandmother was Mary Woodall.
Q What was her maiden name? A Whose maiden name?
Q Your grandmother's maiden name? A Walker.
Q Through which one of her parents did she get her Choctaw blood? A Her mother.
Q What was her mother's name? A Well I don't know that I

William K. James--2.

could give that.

- Q Did you ever hear what it was? A I think it was Mary Frances; I've heard them say.
- Q Do you know what her husband's name was - Mary Frances'? A John Walker.
- Q How long have you known that? A Well you see I've heard that ever since I was a child.
- Q Did John Walker have any Choctaw blood to your knowledge? A Not that I know of.
- Q Now, what relation are you to William A. Woodall who appeared before the Commission here this morning? A I'm a nephew of his; he's my uncle.
- Q Your mother and William A. Woodall were brother and sister were they? A Yes sir.
- Q What was your mother's father's name? A Little Woodall.
- Q Do you know where Mary Woodall the wife of Little Woodall was born? A No sir.
- Q Do you know how old she would be if living now? A No sir; I can't tell you.
- Q Did your mother ever live in Indian Territory? A Not that I know of.
- Q So far as you know then she was never recognized in any manner or enrolled as a member of the Choctaw tribe in Indian Territory? A No sir.
- Q Are you married? A I am.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Zella Harley James.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q Have you any children living? A One.
- Q What's that child's name? A Allwarte Catherine James.
- Q How old is she? A She's thirteen.
- Q Is she living with you at this time? A Yes sir.
- Q She's the child of yourself and Zella H. James? A Yes sir.
- Q Have you been married more than once? A No sir.
- Q Has your wife? A No sir.
- Q Were you married to Zella H. James under a license? A Yes sir.
- Q Have you that license? A No.

It will be necessary that you furnish the Commission with evidence of your marriage to Zella H. James for use in connection with the application you make in behalf of your minor child; this evidence should be furnished within a period of thirty days from today; the best evidence is your original license and certificate; if you can't get that get a certified copy and mail to the Dawes Commission, Muskogee.

- Q This application is in behalf of yourself and one minor child? A Yes sir.
- Q Is your name or the name of this child to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you ever make such an application in behalf of your minor child? A No sir.
- Q Did you or anyone for you in the year 1906 make application to this Commission for citizenship in the Choctaw Nation for yourself and minor child? A No sir.

William K. James—3.

- Q Neither of you have ever been admitted to citizenship in the Choctaw Nation have you? A No sir.
- Q Has any application of any kind ever been made before today in your behalf for the purpose of establishing your rights as Choctaws? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You understand that fourteenth article do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that article or ever receive any benefits under that article? A I don't know as to that.
- Q Did any of them live in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made? A I understand that they did but I don't know.
- Q Who? A Only through my uncles and aunts.
- Q Who lived there at that time, of your Choctaw ancestors. A Well, I understand my great grandfather and grandmother lived there.
- Q John Walker and Mary Frances Walker? A Yes sir.
- Q Do you know just where they lived at that time? A No sir I do not.
- Q Do you know whether they owned improvements at that time? A No sir.
- Q Do you know whether any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was made let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi become citizens of the states and take land? A No sir.
- Q Do you know whether any of them removed to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1836? A No sir.
- Q Do you know whether any of them ever claimed or received any land from the government under this fourteenth article? A No sir I do not.
- Q Did you ever hear of any of your ancestors ever having gotten land from the government? A Yes sir; I've heard my grand father -- great grandfather and grandmother did; John Walker and Mary Frances Walker.
- Q When did you hear that? A Why, I've heard that within the last two or three months.
- Q Never heard of it before that? A No sir.
- Q How did you hear that? A Well, I just heard it through my brother and sister writing to me.
- Q What was it you heard about their getting land? A They wrote me that he, our great grandfather had registered in the Indian nation; that was all I knew before I came here.

Examination by attorney W.H.Redwine:

- Q State whether or not you didn't hear that this man John Walker claimed under article fourteen of the treaty of 1830 and selected land in the state of Mississippi?
- A I've heard they did.

William E. James—4.

- Q You heard that from your relations? A Yes sir.
Q And that your great grandfather lived and resided in the state of Mississippi on this land? A Yes sir; in Mississippi or Alabama.
Q And that he got benefits under article fourteen of the treaty of 1830? A Yes sir; I've heard it.

Examination by the Commission:

- Q Mr James you were present and heard the entire examination of your uncle William A. Woodall did you not? A Yes sir.
Q And you understood everything in that examination? A Yes sir.
Q Do you know anything further with reference to compliance on the part of any of your ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek than what is disclosed by his testimony as given before the Commission this morning? A I do not.
Q Have you any brothers living Mr. James? A One.
Q What's the name of that brother? A Little E. James.
Q He goes under the name of James does he? A Yes sir.
Q Where does he live? A In Sumpter County Alabama.
Q Is he here today? A Yes sir.
Q Have you any sisters living? A Yes sir.
Q How many? A One.
Q What's her name? A Mary Jane James.
Q Is she married? A Yes sir.
Q What's her married name? A Allen.
Q Is she here today? A Yes sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
Q You don't know of any written evidence which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek do you?
A No sir.
Q Do you know of any old person living who would likely know about the matter? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within thirty days from today and their testimony will be taken or if you should find any written evidence which you want to offer in support of this application, such proper written evidence as may be offered within a period of thirty days from today will receive the consideration of the Commission.

- Q Are there any further statements you want to make? A Yes sir; there's one; I have a half brother and two half sisters that's living.
Q Have you the same mother? A No we haven't the same mother.
Q They have no Indian blood? A Not that I know of; no, sir.

—0—

Examination by W. N. Hedwire, Attorney:

- Q When were you married Mr. James? A I was married in about 1861 or two.

William K. James--5.

- Q Where were you married? A In Kipton, Ohio, but my license came from Elyria, Ohio.
- Q What county was that in? A Laramie County.
- Q Who did you marry? A Zella H. Harley.
- Q Under what name was this license issued and you married? A To W. K. Burton and Zella Harley, I think that's it.
- Q Why did you change your name from James to Burton? A Well, I wanted to go into the war; my father had gone into the war; I was living with my grandmother Woodall at that time; my father was Colonel in the army at Mobile; my mother had died when I was young and I wanted to go away from home and get mad one day and skipped out; that's all there was to it.
- Q You changed your name when you left home. A Yes sir; went out as a soldier; started out from Cuba; took the train from Cuba.
- Q Your license was obtained when you married under the assumed name? A Yes sir.
- Q But your correct name is W.K. James? A Yes sir.
- Q Can you get a certified copy of that license - have you that? A My license was burned in Chattanooga but I can obtain a certified copy from the records of Elyria Ohio.
- Q The records haven't been burned there? A No sir.

Examination by the Commission:

- Q Did you enlist in the army under the name of W.K. Burton? A No, I couldn't get in the army; I was too young.
- Q How did you come to adopt this name W.K. Burton then? A I didn't want my grandmother to get held of me - find out where I was, and I just changed my name.
- Q Where were you during the period of time from when you left Cuba until you married? A I was all over the United States; with the army at Mobile quite a while; went there and went to selling papers; I couldn't get in the army; they wouldn't take me; I went from Mobile to Tansaw; came back to Mobile and sold papers for a long time and during the war I came off up into Tennessee and went from there to Philadelphia and Pittsburg and all round tramping the country.
- Q During all this time did you go under the name of Burton? A Yes sir.
- Q You still go under the name of Burton do you? A I do..

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; he has dark hair, rather dark complexion, blue eyes, does not speak or understand the Choctaw language. He is the son of Elizabeth James who was a full sister of William A. Woodall, M.C.R. 5043. Special reference is hereby made to the William A. Woodall case in which will be found a record statement in regard to compliance on part of John Walker, ancestor of this applicant with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

William K. James - 6.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24 day of July 1902.

Guy L. V. Emerson
Notary Public.

U. S. N. 6647.
U. S. N. 6648.

Muskogee, Indian Territory, August 5, 1902.

W. E. Redwine,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ult., enclosing certified copies of the marriage record between W. E. Burton and Della Harlow, and L. E. James and E. E. Ross, which you offer for filing in support of the application of William E. James, alias William E. Burton, et al., and Little E. James, et al., for identification as Mississippi Choctaws.

The same have been filed with the records in these cases.

Yours truly,

Acting Chairman.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 0047.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

William K. James,
Memphis, Tennessee.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED)

Register.

Chairman.

M C R 6047

Muskogee, Indian Territory, July 7, 1903.

L. W. Dutro, P. M.,
Memphis, Tennessee.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, 1903, in which it is stated that you are unable to deliver letter sent by this Commission to William K. James, Memphis, Tennessee.

In reply you are informed that you may return said letter to this office.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR-6017.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

William K. James,
301 Pontotoc Street,
Memphis, Tennessee.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

A handwritten signature, likely of the Commissioner, consisting of a long horizontal stroke followed by several vertical strokes.

Commissioner.

For Identification as a Mississippi Choctaw.

Date JUL 12 1907
Name William H. James.

Age 51 Blood 1/16
301 Pontotoc St.

Post-Office, Memphis, Tenn

Father: John H. James d

Mother: Elizabeth James d

Claims through mother
wife

Zella H. James L
No claim for wife.

Children:

~~Abner~~

Alburto B. James 13

Stenographer

Clara M. Wood.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE LANDS OF THE UNITED STATES.

FILED

JUL 2 1903



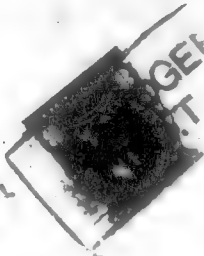
CHAIRMAN.

RECEIVED 3
MAY 18 1904
MEMPHIS, TENN.
L. W. DUTRO, P. M.

Wk - at 301 Donato

5/18

Sender notified
5/15/03



William K. James,
301 Pontotoc Street,
Memphis, Tennessee.

MEMPHIS TENN.
MAY 18 1903
FIRST NOTICE

Department of the Interior

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

FIRST NOTICE

MAY 18 1903

MEMPHIS, TENN.

20586



Commissioner of the General Land Office

FILED

MAR 25 1907

[Handwritten signature and scribbles]

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

DOWN
No such Number.

127

William K. James,

301 Pontotoc Street,

Memphis, Tennessee.



General Delivery No. 1
MAR 10 1907

Choctaw MCR 6048

Mary Jane Allen

See MCR 4639

MCR 6048

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, N. T., July 12, 1902.

40042

In the matter of the application of Mary Jane Allen for the identification of herself and her four minor children, William Fletcher Allen, Klissie Sophia Allen, Henry Clay Allen, and Sidney M. Allen, as Mississippi Choctaws.

W. H. Redwine, attorney for applicant.

Mary Jane Allen, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Jane Allen.
Q How old are you Mrs. Allen? A Forty-nine.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Enoch, Alabama.
Q What County? A Choctaw.
Q How long have you lived in Alabama? A I was raised there in Alabama.
Q Lived there all your life? A Yes, all my life.
Q Is your father living? A No sir.
Q What was your father's name? A John S. James.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth James.
Q Through which one of your parents do you get your Choctaw blood?
A Mother.
Q How old would she be if living now do you know? A No sir.
Q Can you give us an idea about how old she would be, tell us about how old he was as you was? A I guess she would be sixty five or somewhere along in there.
Q Through which one of her parents did she get her Choctaw blood?
A From her mother.
Q What was her mother's name? A Mary Woodall.
Q Through which one of her parents did Mary Woodall get her Choctaw blood? A From her mother.
Q What was her mother's name? A Mary Frances Walker.
Q What was her maiden name-Mary Frances' maiden name? A Chamberlain.
Q Have all your Choctaw ancestors as far as you know always lived down there in Alabama? A Yes sir.
Q What relation are you to William A. Woodall who appeared before the Commission here this morning? A He's my uncle.
Q He and your mother were brother and sister? A Yes sir.

92.

- Q Was your mother ever in Indian Territory? A No sir.
Q She then was never recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir, one is.
Q What is your present husband's name? A Allen.
Q His given name? A Joseph.
Q Joseph Allen? A Yes sir.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q What is the name of your first husband? A Smith; Walter Smith.
Q Is he living? A No sir.
Q Have you any children living? A I have five.
Q How old is the eldest one? A Thirty-three.
Q Any of them under age? A Yes sir, all but him.
Q What are their names now, the younger ones?

Names read by attorney:

- Q John Walter Smith is that his name? A That's my eldest son.

By the Commission:

- Q He's how old? A Twenty-three.

You don't want to make application for him; he's over age.

By attorney:

William Fletcher Allen born October 25, 1885.

By the Commission to attorney:

- Q Next one? A Kizzie Sophia Allen.
Q Is that a boy or girl? (By applicant) Girl.

By the attorney:

Born in '88.

By the Commission to attorney:

- Q Next one? A Henry Clay Allen born in '88, would be twenty-one old.
Q Next one? A Sidney H., born in '88--seven years old.
Q That's all under age is it? A (By applicant) Yes sir.

By the Commission to applicant:

- Q Are these children living with you at this time? A Yes sir.
Q Are they children of yourself and Joseph Allen; these four, are they? A Yes sir.

#3.

- Q And you have one who is of age? A John Walter Smith.
- Q This application is for yourself and four minor children?
- A Yes sir.
- Q Is your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory?
- A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or these children to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children? A No sir.
- Q Then none of you have ever been admitted to citizenship in the Choctaw Nation have you? A No sir.
- Q Has any application of any description ever been made before to-day in your behalf or in behalf of any one of these children for the purpose of establishing your rights as Choctaw Indians?
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and four minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You understand that fourteenth article do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
- A Not that I know of.
- Q Did any of them live in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of them own an improvement there at that time?
- A I don't know.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, become citizens of the states and take land?
- A Not that I know of.
- Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did you ever hear now of any of your people ever having gotten any land down there in Mississippi or Alabama from the government along sixty or seventy years ago, did you? A No sir.

By the attorney:

- Q State whether or not your parents or any of your kindreds ever informed you that your ancestors--that John Walker and his wife held land under article fourteen of the treaty of Dancing Rabbit in Mississippi or Alabama? A Yes sir, I have heard my uncle.
- Q But you state you don't know of your own personal knowledge but you have been informed that John Walker and his wife did hold lands under article fourteen of the treaty of 1830, in Sumpter County, Alabama, and resided upon it? A Yes sir.
- Q How long ago? A Right lately.
- Q Which one of your uncles? A Uncle William Woodall.
- Q You heard him speak of it? A Yes sir.

#4.

Q You have been informed then by your uncle that your ancestors did live in the state of Alabama in 1830 and held lands?

A Yes sir.

By the Commission:

Q Is this uncle referred to by you the William A. Woodall who is present in the room at this time and who made application to this Commission this morning in his own behalf? A Yes sir.

Q You were present during the entire examination of your uncle William A. Woodall? A Yes sir.

Q You understood his entire examination? A Yes sir.

Q Do you know anything more with reference to compliance on the part of any of your ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek than what is disclosed by the testimony of William A. Woodall given before the Commission here this morning? A No sir.

Q Have you any brothers living? A Two.

Q What are their names? A William K. James and Little E. James.

Q They are both here to-day for the purpose of making application? A Yes sir.

Q Any sisters living? A No sir.

Q Have you any written evidence of any kind which would show or tend to show that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.

Q Any witnesses here to-day? A No sir.

Q Are there any further statements you want to make in support of your application? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskeges within thirty days from to-day and their testimony will be taken; or if you should find any written evidence you desire to present to the Commission in support of this application, such proper written evidence as may be presented within thirty days from to-day will receive the consideration of the Commission.

Q You don't speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; she has dark hair, rather dark complexion, blue eyes; she doesn't speak or understand the Choctaw language. She is the daughter of Elizabeth James who was a full sister of William A. Woodall who appeared before the Commission here this morning, M S R 6042.

Special reference is hereby made to the William A. Woodall case in which will be found a full statement of what is disclosed by the records in the possession of the Commission as to a compliance on the part of ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

#4.

By the attorney:

- Q Is William K. James a full brother of yours? A Yes sir.
Q What do you know about him changing his name from James to Burton; do ye u know that his name has been changed? A He run away and went to the war,
Q And changed his name to Burton? A Yes sir.
Q He's been going by that name since has he? A Yes sir.
Q His correct name is William K. James? A Yes sir.

Albert E. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 12th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert E. McMillan

Subscribed and sworn to before me this 21st day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
M. C. R. 6048.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Mary Jane Allen,
Enech, Alabama.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophua Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gilford Marshall, Orlando H. Ryan, John Gilford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Dixby.

Chairman.

Register.

MCP-6048.

Muskogee, Indian Territory, March 16, 1907.

Mary Jane Allen,
Enoch, Alabama.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1905, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date
 Name Mary Jane Allen
 Age 49 Blood 1/16
 Post-Office, Enoch, Ala.
 Father: John A. James. d
 Mother: Elizabeth " d

Claims through mother
 husband
 Joseph Allen L
 No claim for husband.
 Self and 4 children

Children:

~~John Walter~~
 Wm F Allen 19
 Fizzie S. " F 13
 Henry C. " 10
 Sidney H. " 7

Stenographer

A. G. McMillan

Choctaw MCR 6049

Little E. James

See MCR 4639

MCR 6049

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, T. T., July 12th, 1902.

4049.

-----900-----

In the matter of the application of Little E. James for the identification of himself and his four minor children, Willie E. E., John E., Maggie E., and Bettie V. James, as Mississippi Choctaws.

W. H. Redwine, attorney for applicant.

Little E. James, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Little E. James.
Q How old are you? A Soon be forty-eight years old.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Cuba, Alabama.
Q How long have you lived in Sumpter County, Alabama? A All my life.
Q Is your father living? A No sir.
Q What was his name? A John E. James.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth E. Woodall, her maiden name.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Mother ever live in Indian Territory? A No sir.
Q She never then was recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir, not as I know of.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother--my grandmother.
Q What was her name? A Mary Giles; Mary Giles I believe.
Q How old would be Mary Giles Woodall be if living now?
A I don't know sir.
Q How old would your mother be if she was living now? A About seventy-one or two.
Q Through which one of her parents did Mary Giles Woodall get her Choctaw blood? A Her mother.
Q What was her mother's name? A Mary Frances Walker; she was a slave before she married Walker.
Q What was her husband's name? A John Walker.
Q Did he have any Choctaw blood? A Not that I know of.
Q How much Choctaw blood did Mary Frances have? A Half I think.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir; been married twice.

- Q What is the name of your present wife? A Elizabeth M.
 Q Has she any Chectaw blood? A No sir.
 Q You make no claim for her then? A No sir.
 Q Have you any children living? A Yes sir, five.
 Q Any of them under age? A Four of them.
 Q Any of those four married? A No sir.
 Q What are the names of these four children? A Willie K. H.
 Q How old is he? A Sixteen.
 Q Next one? A John S.
 Q How old? A He's eleven; soon be twelve, in October.
 Q Same mother? A No sir, that's my first wife; William is the son of my first wife.
 Q What was your first wife's name? A Eliza H. McCann, was her maiden name.
 Q She's dead? A Yes sir.
 Q Did she have any Chectaw blood? A No sir, not that I know of.
 Q Now what are the names of your other two children who are under age? A Maggie B.
 Q How old? A Mine.
 Q Next one? A Bettie V.
 Q How old? A Three; will be four the 15th of this month.
 Q You have named all of your children who are under age have you?
 A Yes sir.
 Q And these three youngest are the children of yourself and Elizabeth? A Yes sir, Elizabeth H.
 Q And Eliza was the mother of William? A Yes sir.
 Q Now you have one child who is of age? A Yes sir.
 Q What is that child's name? A Mary S. Pope.
 Q Is she married? A Yes sir.
 Q Is she here to-day? A Yes sir.
 Q She is the child of yourself and Eliza? A Yes sir.
 Q Were you married to Eliza under a license? A Yes sir.

Certified copy of the marriage license and certificate of L. E. James and Eliza McCann offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

- Q You are the L. E. James referred to in this license are you?
 A Yes sir.
 Q And the Eliza McCann referred to in this license was your first wife? A Yes sir.
 Q Mother of Mrs. Pope and your son William? A Yes sir.

You present here what purports to be a certified copy of the marriage license and certificate of L. E. James and Miss E. M. Ross.

- Q You are the L. E. James referred to in this license are you?
 A Yes sir.
 Q And E. M. Ross is your wife Elizabeth M., mother of your three minor children? A Yes sir.

- Q -----This paper which you present here doesn't appear to be a certified copy of your marriage license and certificate; do you wish to offer this in evidence or wait and produce a certified copy? A Whatever is right about it.

#3.

By the attorney:

We will introduce a certified copy.

By the Commission:

You will be allowed a period of thirty days in which to introduce a certified copy of the marriage license and certificate.

- Q This application is for yourself and four minor children is it?
A Yes sir.
Q Is your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory?
A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or any one of these children, to be admitted or enrolled as members of the Choctaw tribe?
A No sir.
Q Did you or any one for you in the year 1896 make application to this Commission, for yourself or any one of these children, to be admitted to citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Then none of you have ever been admitted to citizenship in the Choctaw Nation have you? A No sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and four minor children, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?
A I do.
Q You never made any application of any kind before to-day for the purpose of establishing your rights? A No sir.
Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Well, I don't know as I do, thoroughly.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation in Mississippi and Alabama and not move out west to the new Nation, might receive lands back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each wo-

married child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article now?
- A Yes sir, I believe I do.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article to your knowledge? A No sir, not until recently I have learned that my grandfather did in 1830.
- Q What was his name? A John Walker.
- Q You say he had no Choctaw blood? A None that I know of.
- Q What did you learn about his complying with this treaty provision? A I just heard it through my relatives; after we got on to this in the record we found that he had.
- Q When did you first hear about it? A Four weeks ago; maybe five.
- Q Did you ever hear before that of any of your people ever having gotten any land from the government? A No sir.
- Q Didn't know anything about it at all? A No sir.
- Q Do you know whether he got any land under this fourteenth article from the government? A Only from what I heard.
- Q How much did you hear he got? A Something over four thousand acres; twenty-four hundred something; I don't know the exact amount.
- Q Do you know where that land is situated? A Near Belmont, Alabama, on this side of the river.
- Q What river? A Tombigby.
- Q Do you know how long your great-grandfather lived on that land? A No sir, I do not.
- Q Or when he lived there? A No sir.
- Q Do you know what ever became of that land? A No sir. I learned it was sold; like I learned he got the land under the treaty and sold it.
- Q What relation are you to William A. Woodall who appeared before the Commission here this morning? A Nephew.
- Q He's a full brother of your mother's? A Yes sir.
- Q You were present and heard his entire examination this morning did you not? A Yes sir.
- Q You understood it thoroughly? A Yes sir.
- Q Do you know of anything further with reference to a compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, than what is disclosed by his testimony given here before the Commission this morning? A Nothing only what I have just related.
- Q I say do you know anything more than what he has told about it?
- A No sir.

Special reference is hereby made to N C R 6542, William A. Woodall et al., the principal applicant in said case, William A. Woodall, being a full brother of the mother of the principal applicant in this case. In the record in the said case of William A. Woodall et al., will be found a complete statement of what is shown by the records in the possession of the Commission as to a compliance on the part of the great-grandfather of this applicant with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

By the attorney:

- Q You state you have heard your uncle say that John Walker was a white man and had an Indian wife who was a half breed did comply with the provisions of article fourteen of the treaty of 1830, and held lands thereunder and remained upon them in the state of Mississippi? A Yes sir, in Alabama rather.
- Q Alabama, across the line of Mississippi in Sumpter county, Alabama? A Yes sir.
- Q Now in your statement a while ago you were asked as to the amount of acres John Walker held; did you mean to say twenty-four hundred or four thousand? A I don't know positive what it was; I know it was a pretty big amount.
- Q How many brothers and sisters have you? A I have one whole sister and whole brother.
- Q They are they parties who made application here to-day? A Yes sir.
- Q William K. James who made his application this morning for identification as a Mississippi Choctaw, state whether or not he is a whole brother of yours? A He is my oldest brother.
- Q State if he left home sometime during the war and changed his name from James to Burton, did he? A Yes sir, he did; he run away when nothing but a lad and changed his name to keep from being caught and never has changed it back.
- Q His true name is----? A William King James.

By the Commission:

- Q Have you any written evidence which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I have not.
- Q Do you know of the existence of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir, only what is in force in this recent day.
- Q What I want to know is do you know of any written evidence which would prove that fact? A No sir, I do not.
- Q Have you any witnesses here to-day to testify in your behalf? A Yes sir, all this crowd that come with me; all that's been tried.
- Q Your relatives? A I mean all who are here that made application to-day are witnesses.
- Q You mean that you desire to have your case considered with theirs in order to get the benefit of the testimony in their cases? A Yes sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within thirty days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in this case, such proper written evidence as may be offered within thirty days from to-day will receive the consideration of the Commission.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

Q You don't speak or understand the Choctaw language do you? A No sir.

By the Commission to attorney:

Q Mr. Redwine do you want to ask him any further questions? A No sir, no further questions.

By the Commission to applicant:

Q Did your grandmother ever have any brothers or sisters; your grandmother on your mother's side? A Yes sir.
Q Do you know their names? A Yes sir, I think I know them.
Q Name such of them as you know? A Gelsky Walker, I am personally acquainted with.
Q Next one? A John Walker.
Q Next one? A William Walker; of course I am not personally acquainted with him, but that's the names.
Q Next one? A Nancy I believe. I don't believe I know the other girl's name.
Q What was Nancy's name? A Married name? Walker. I believe she married a Ryan; I am not positive which one, but I know there was seven children but I haven't kept up with the names.

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; he has black hair; dark complexion; brown eyes; doesn't speak or understand the Choctaw language.

By the attorney:

Q Now you have just stated that Nancy Walker married a Ryan; are you positive as to that? A No sir, I am not positive; I know one married Ryan.
Q You are not positive as to which one? A No sir.
Q Might it not have been Elizabeth? A It might have been; I don't know; I was personally acquainted with Gelsky Walker.
Q Gelsky Walker? A Yes sir.
Q Is there any of Gelsky Walker's descendants living now? A Yes sir. He has two daughters, if not three.
Q What is his daughters' name? A One is Alberta Gaines.
Q Who has made application before this Commission for identification as a Mississippi Choctaw? A Yes sir.
Q And what is the other daughter's name? A Linnie; I don't know who she married.
Q What is Linnie? A Yes sir.

27.

- Q And you don't know who she married? A No sir; I am personally acquainted with both of them.
- Q Has he any other children? A He had Joseph Walker; I think he is dead; and had another daughter; I don't know whether she's living or not.
- Q Which is the eldest of the children? A Well, I don't know that; Joseph or Alberta I don't know which is the eldest.

By the Commission:

- Q Did Joseph leave any descendants? A I don't know sir.
- Q Can't you remember the name of that other daughter of Selah Walker's? No answer.

By the attorney:

- Q Is she Mr. Dean's wife who has made application here; do you know Mr. Dean? A No sir; I know the two personally and I think there was another daughter but I don't know her name; I think she married Helman.
- Q You are not positive? A No sir.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 12th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 31st day of July, 1902.

Gay L. V. Emerson
Notary Public.

RECEIVED
AUG 10 1908

Mustoge, Indian Territory, August 8, 1908.

E.H. Redwine,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ult., enclosing certified copies of the marriage record between W.E. Burton and Della Harley, and L.H. James and E.H. Ross, which you offer for filing in support of the application of William K. James, alias William K. Burton, et al., and Little E. James, et al., for identification as Mischiefed Cheaters.

The same have been filed with the records in these cases.

Yours truly,

Acting Chairman.

COMMISSIONERS:
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6049.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Little E. James,

Cuba, Alabama.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
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Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Giltford Marshall, Orlando H. Ryan, John Giltford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tame Dixey.

Chairman.

Register.

MCR-6049.

Muskogee, Indian Territory, March 16, 1907.

Little E. James,
Cuba, Alabama.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date
Name Little E. James

Age 47. Blood 1/16

Post-Office, Cuba, Ala

Father: John S. James. d

Mother: Elizabeth E. " d

Claims through mother
wife Elizabeth M. James L
No claim for wife.

For copy of children:

Children:
William K. E. James 16
mother Eliza " (no Cho.) d

John S. " 11

Maggie R. " 9

Bettie V. " 3

Stenographer A. G. McMillan

Choctaw MCR 6050

Mary S. Pope

See MCR 4639

MCR 6050

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 18th, 1902.

#0050.

In the matter of the application of Mary S. Pope for the identification of herself and her two minor children, Annie E. and Edward Lee Pope, as Mississippi Choctaws.

W. H. Redwine, attorney for applicants.

Mary S. Pope, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mary S. Pope.
Q How old are you? A Be twenty-four next December.
Q How much Choctaw blood do you claim to have? A One thirty-second.
Q What is your post office address? A Tecumsha, Mississippi, Lauderdale County.
Q How long have you lived in Mississippi? A Something over three years.
Q Where did you live before that? A In Sumpter County, Alabama? A In Alabama.
Q How long did you live in Sumpter County, Alabama? A Somewhere about twenty years. I was raised in Sumpter county.
Q Is your father living? A Yes sir.
Q What is his name? A Little E. James.
Q Is your mother living? A No sir.
Q What was her name? A Eliza E. James.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Is the Little E. James who appeared before the Commission here to-day, your father? A Yes sir.
Q What relation are you to William A. Woodall who appeared before the Commission here this morning? A He is my great-uncle.
Q Your father's mother and William A. Woodall were full brother and sister? A Yes sir.
Q You got your Choctaw blood solely through your father you stated I believe? A Yes sir.
Q How he got his Choctaw blood from his mother? A From his mother.
Q What was her name? A Elizabeth James.
Q Through which one of her parents did she get her Choctaw blood? A Her mother.
Q What was her mother's name? A Mary A. Woodall.

- Q Through which one of her parents did Mary A. Woodall get her Choctaw blood? A From her mother.
- Q What was her name? A Mary Frances Woodall.
- Q What was her maiden name—Mary Frances, did you know her before she married? A I can't recall it at this moment.
- Q What was her husband's name? A John Walker.
- Q What was his mother's maiden name? A My mother?
- Q Yes? A Eliza McManis?
- Q Do you know where your father was born? A He was born in Sumpter.
- Q Still lives there? A Yes sir.
- Q He has lived there all his life? A Very near all his life.
- Q Do you know where his mother was born? A No sir.
- Q You don't know anything about where she lived most of her life? No sir.
- Q Do you know where his mother's mother lived during her lifetime? A No sir.
- Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not as I know of.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir.
- Q What is his name? A Robert E. Pope.
- Q Has he any Choctaw blood? A Not as I know of.
- Q You make no claim for him? A No sir.
- Q Have you any children? A Two.
- Q What are their names and ages? A The oldest one is Annie M. Now old is she? A Be three in September.
- Q Next one? A Edward Lee.
- Q How old is Edward? A Be a year old this coming December.
- Q These children both live with you at this time? A Yes sir.
- Q They are the children of yourself and Robert L. Porter are they? A Yes sir.
- Q This application then is for yourself and two minor children? Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not as I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, to be admitted or enrolled as a member of that tribe or did any one else ever make such an application in your behalf? A No sir.
- Q No application has ever been made to the Indian authorities down in the Nation there, have you? A Not before to-day.
- Q Is this the first application of any kind that has ever been made in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Yes sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation have you? A No sir, not as I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and two minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek, is that what you are here for? A Yes sir.
- Q Do you understand that fourteenth article? A No sir. I don't thoroughly understand it.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, nearly seventy-two years ago, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article now?
 A Yes sir.
 Q Think you do? A I think I do.
 Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article to your knowledge? A Not that I know of.
 Q Did any of them live there in the old Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I can't tell.
 Q Did any of them own an improvement there at that time; seventy-two years ago; what about it? A I don't know.
 Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay and become citizens of the states and take land? A Not as I knew of.

#4.

- Q Did any of them ever claim or receive any lands in Mississippi or Alabama from the government of the United States under this fourteenth article? A I don't know.
- Q Now did you ever hear of any of your people--your ancestors or forefathers--ever having gotten any land back there in the old Choctaw Nation in Mississippi or Alabama from the government of the United States under this treaty provision, sixty or seventy years ago; did you ever hear of such a thing? A I have heard some relatives speak about it but I don't know--
- Q What did you hear your relatives say about it; tell us just what you heard now? A I think I heard they said they did; that's all I know.
- Q That they did what; what did they do; you mean some of them got land back there, is that what you mean? A Yes sir.
- Q Who, who got it? A Some of the ancestors.
- Q What one of them got it, Mrs. Pope? Remember? A I don't, except John Walker.
- Q Do you know where he got that land? A No sir.
- Q Don't know where it was situated? A No sir.
- Q Nor how much of it? A I don't know.
- Q Were you present at the examination of your great-uncle William A. Woodall? A Yes sir.
- Q You heard his entire examination did you? A Yes sir.
- Q You understood it fully did you? A No sir.
- Q You don't know anything further with reference to a compliance on the part of any of your ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek than what is disclosed by the testimony of your great-uncle William A. Woodall given before the Commission here to-day do you?
- A No sir.
- Q Is he the source from which you get this information in regard to those people getting land? A Yes sir.

Special reference is hereby made to the testimony of William A. Woodall taken before the Commission this morning in support of any application in behalf of himself and minor children, M C R 6042. In the record in said case will be found a complete statement of what is shown by the records in the possession of the Commission as to a compliance on the part of the ancestors of this applicant with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, and as to their having received benefits thereunder.

- Q Is there any further statement you want to make Mrs. Pope?
- A No sir.

By the Commission to Attorney:

- Q Any questions you want to ask? A No questions.

By the Commission to applicant:

- Q Have you any witnesses here Mrs. Pope? A All that have made this statement.

#5.

- Q You mean by that that you want the testimony in the cases of all of your relatives who have been here to-day considered in your case; is that the idea? A Yes sir.
- Q Have you any written evidence of any kind to offer at this time?
- A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within thirty days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of this application such proper written evidence as may be offered within thirty days from to-day will receive the consideration of the Commission.

- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied with this treaty provision or ever received any benefits thereunder? A Not as I know of.
- Q Never saw or heard of any deeds or patents issued to your ancestors John Walker or his wife Mary Frances, covering land received under this fourteenth article did you? A Not as I know of.
- Q You don't speak or understand the Choctaw language do you?
- A No sir.

This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood, although her hair is black; she has rather dark complexion; brown eyes; she doesn't speak or understand the Choctaw language.

Statement by Mr. Redwine:

I desire to have the following cases considered with the case of William A. Woodall who has made application here to-day, which cases are as follows, to-wit:

No. 6043	Mary A. Cannady
No. 6044	William D. Woodall,
No. 6045	Lela G. Woodall
No. 6046	Albert E. Woodall
No. 6047	William K. James
No. 6048	Mary Jane Allen
No. 6049	Little E. James
No. 6050	Mary S. Pope;

that these cases be joined and considered with the evidence introduced by William A. Woodall and in connection that his case and the cases heretofore mentioned be joined and considered with all cases of those who claim as descendants of John Walker and Mary Frances Walker his wife.

Albert J. Hamilton, being first duly sworn, states that as stenographer to the Commission on the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert J. Hamilton

Subscribed and sworn to before me this 31st day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6050.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Mary S. Pope,

Teamsuba, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

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Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

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Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Allburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Giltford Marshall, Orlando H. Ryan, John Giltford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Caryl T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tamc Dixby.
Chairman.

Register.

MOR-6050.

Muskogee, Indian Territory, March 16, 1907.

Mary S. Pope,
Toomsaba, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. 6050

For Identification as a Mississippi Choctaw.

Date

JUL 12 1901

Name

Mary S. Pope

Age 23.

Blood

1/32

Post-Office,

Toomibba, Miss.

Father

Little E. James

L

Mother:

Eliza H. "

d.

Claims through

husband father

Robert L. Pope

L

No claim for husband.

For self and 2 children

Children:

Annie E. Pope 2

Edward L. "

Sm

Stenographer

A. G. McMillan

Choctaw MCR 6051

John S. Pace

See MCR 4866

MCR 6051

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T.: July 12th, 1902.

40051.

In the matter of the application of John S. Pace for the identification of himself and his three minor children, Ora A.; Jessie, and John S. Pace, as Mississippi Choctaws.

No attorney.

John S. Pace, being first duly sworn, testified as follows:

Examination by the Commission:

What is your name? A John S. Pace.
How old are you Mr. Pace? A Fifty years old.
How much Choctaw blood have you? A I claim one-sixteenth.
What is your past office address? A Rogers, Arkansas.
How long have you lived in Arkansas? A About forty-eight years.
Where were you born? A Born in Giles County, Tennessee.
Is your father living? A No sir.
What was his name? A W. R. Pace.
What is that W. R.? A William.
Is your mother living? A No sir.
What was her name? A Sarah A. Pace.
Through which one of your parents do you get your Choctaw blood?
My father.
How old would your father be if he were living now? A Well, I will have to count over a little; I don't—I will just have to get at it; I could have got it from the tomb.
Well, tell us about it. A About seventy-five years.
Where was he born? A He was born in Tennessee.
How long did he live there? A Until after he was married; I couldn't give the date of his marriage; I believe—
Well he lived there until you went with him to Arkansas?
Yes sir.
Through which one of his parents did he get his Choctaw blood?
From his mother.
What was her name? A Rachel Pace.
What was her maiden name? A I couldn't tell you.
Did you ever see her? A No sir, not to recollect; I never saw her after I was two years old.
Do you know the names of her parents? A No, I do not.
Do you know the names of any of your Choctaw ancestors?
I have back from your father and mother? A Never saw them to know them; I have heard of them.

- Q I say you don't know their names further back than that?
 A Yes, I think I know some names according to history.
 Q Further back than Rachel Pace your grandmother? Now what I want to know is: Do you know the names of any of your direct ancestors further back than Rachel Pace, her father and mother or her grandparents? A I just love to ask you a question there to see if I do or not; I didn't see them people but what I have been told from my father and mother and uncles they said they knowed them and I know their names in that way; now, Rachel Pace's mother was a Frazier.
 Q Well what was the name of her father? A Frazier.
 Q Given name? A Let me see - - - William.
 Q Was he an Indian, or was Rachel's mother an Indian? A Rachel's mother was a half blood Cheetaw.
 Q What was her given name? A Sallie.
 Q Where was Sallie born do you know? A Said to be borned in Mississippi.
 Q Do you know in what county? A Yalobusha County.
 Q Do you know in what year she was born? A No sir, I do not.
 Q Did your father's mother ever live in the state of Mississippi? A I think not.
 Q You are sure your father never lived there? A Tolerable sure of it; I don't think he ever lived there.
 Q Do you know the names of Sallie's father and mother---Sallie Frazier's father and mother? A Well, Sallie Frazier's father was named William is the way I understand it.
 Q William what? A William Frazier.
 Q Thought you said Frazier was Sallie's married name and her husband was William Frazier? A Well now this Rachel Frazier was my grandmother and Sallie- - -
 Q Was her mother? A Yes.
 Q Now what was the name of Sallie's father? A She married a Pace, that's the way it come in.
 Q Who married a Pace? A Sallie Frazier, married a Pace.
 Q Well then her father's name was Frazier? A Yes sir.
 Q William Frazier? A Yes sir, William Frazier.
 Q And did he have the Cheetaw blood or was it Sallie's mother that had the Cheetaw blood; Sallie's father or mother, which?
 A My understanding was that is was her father.
 Q What was Sallie's mother's name? A I don't know.
 Q Were your father and mother lawfully married? A Yes sir, I think so.
 Q Where? A They was married in Giles County, Tennessee. I have got their testimony to prove that they was legally married there

It will be necessary Mr. Pace that you furnish proper evidence of the marriage of your father and mother; you will be allowed a period of fifteen days in which to submit to the Commission such evidence, and the best evidence is their marriage license and certificate if you can get them; if you cant get that, a certified copy of it.

By the applicant:

I expect I have got it as near as I can; I have it proved by two witnesses; I have got that testimony here;

#3.

it is already given by my brother in his claim.

- Q What is your brother's name? A Thomas M. Pace.
Q By referring to the papers in the case of Thomas M. Pace et al., M C R 8849, I find that he has submitted the affidavit of James D. Pace on the question of the marriage of your father and mother; have you any further written evidence to offer? A Yes sir.

The affidavit of E. F. Hendrix is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case. Also certified copy of a joint affidavit of Matt Pant and Jane Hecus offered in evidence, identified as Exhibit "B", filed and made a part of the record in this case.

- Q Your father was never recognized in any manner or enrolled as a member of the Chectaw tribe of Indians in Indian territory, was he Mr. Pace? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Rachel M. Pace.
Q Has she any Chectaw blood? A No sir, don't claim any.
Q You make no claim for her then? A No sir.
Q Have you been married more than once? A No sir.
Q Has she? A No sir.
Q Have you any children living? A Yes sir, I have three.
Q Any of them under age? A Three of them.
Q All under age? A Yes sir.
Q What are their names, the oldest first? A Ora A.
Q That's a boy? A That's a boy.
Q How old? A Eleven years old.
Q Next one? A I am trying to think----my head is in such a bad fix I can't hardly recall my children's names----Jesie.
Q How old? A Nine years old.
Q Next one? A Jehn O.
Q How old? A Four years old.
Q That's all your children is it? A Yes sir, and there's one dead, my first one.
Q How old was it when it died? A Infant, don't count.
Q These three children are living with you at this time are they? A Yes sir.
Q They are the children of yourself and Rachel M. Pace? A Yes sir.
Q This application then is for yourself and three minor children? A Yes sir.
Q Is your name or the name of any one of these children to be found on any of the Chectaw tribal rolls in Indian territory? A No sir, not as I know of.
Q Did you ever make application to the Chectaw tribal authorities in Indian territory, for yourself or any one of these children, to be admitted or enrolled as members of that tribe? A Never did.
Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Chectaw nation under the act of Congress approved June 10, 1896? A No sir, didn't know anything about the law governing the case then.

#4.

- Q Has any application of any description ever been made before to-day for you or any one of these children, for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian territory, for yourself and three minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir, that's what I do.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country they occupied in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out to the new Nation, might receive land back there in the old Nation from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article Mr. Pace?
- A I think so.
- Q Did any of your Choctaw ancestors live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Well, I couldn't tell exactly whether they did or not; that's where they came from and moved up to Tennessee, but I couldn't tell about the dates you knew.

- Q Well your father was about three years old at that time according to your testimony; he would be about seventy-five now you said didn't you? A As near as I can guess at it.
- Q He was probably two or three years old when this treaty was made.
- A He was a boy.
- Q If he never lived in the state of Mississippi, of course none of your ancestors were living there were they in 1830, because he must have been living with his parents when he was three years old? A Yes, he was with his parents; he was with his mother in Tennessee at that time, but it seems as though this other Frazier came from Mississippi according to the proof.
- Q But your grandmother couldn't have been there in 1830--Rachel?
- A He sir, she couldn't have been there, she was in Tennessee.
- Q Do you know whether she or any other of your Choctaw ancestors owned an improvement in Mississippi or Alabama in 1830 when this treaty was made? A No, I don't know.
- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was made, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, become citizens of the states and take land? A Never heard anything of that kind.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I could not tell you whether they did or not.
- Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1848 and heard a great many of these Choctaw cases.

#3.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I never heard if they did.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A No sir.
Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaws? A That's right.
Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830, recognized members of the tribe?
A I couldn't say that I did, any further than the proof that I have there.
Q The affidavits you submitted to me? A Yes, and copy - - -
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I couldn't say that I do; most of the old ones that I know about left.
Q Do you know of any written evidence which would prove or tend to prove any such a state of facts; any deeds or patents or any old papers? A Not that I know of.
Q Have you any further written evidence you desire to offer at this time in support of your application? A Well, yes, I think so.
Q Have you any witnesses here to-day Mr. Pace whom you desire to introduce? A No, I haven't got any.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskogee within fifteen days from to-day and their testimony will be taken; or if you should find any written evidence of any kind which you desire to offer in support of this application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

By the applicant:

Couldn't you put it thirty days? It will have to come from Tennessee and fifteen days will hardly give it time.

By the Commission:

If you fail to get your evidence here in fifteen

#7.

days you may send it to the Commission and they can determine whether it will be proper to receive it.

Q Were you married to Rachel Pace under a license? A Yes sir.
Q When? A My license shows that I was married on the 6th day of January, 1899.

The marriage license of John E. Pace and Rachel M. Deans is offered in evidence, identified as exhibit "C", filed and made a part of the record in this case.

Q Are you the John E. Pace referred to in this license? A Yes sir.
Q And the Rachel M. Deans referred to in the license is your wife and the mother of these three children? A Yes sir.
Q Are there any further statements you want to make? A I don't know that I have.
Q You don't speak or understand the Choctaw language do you? A No sir.
Q Are you a full brother of Thomas E. Pace who appeared before the Commission here on June 21st last? A Yes sir.
Q Brother lives at Grove, Indian Territory? A Yes sir.

Reference is hereby made to M C R 5849, Thomas E. Pace et al., the principal applicant in that case being a full brother of the principal applicant in this case.

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; hair is rather inclined to be light; has a very light mustache; rather dark complexion; gray eyes; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 12th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 31st day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

Muskogee, Indian Territory, January 28, 1903.

John S. Pace,

Rogers, Arkansas.

Dear Sir:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Dean Pace, et al., embracing the following applications for identification as Mississippi Choctaws:

James Dean Pace,	M.C.R. 4866
Mary Lewis, et al.,	M.C.R. 285
William W. Hogue, et al.,	M.C.R. 2250
Ella Healey, et al.,	M.C.R. 2251
Christopher Columbus Pace, et al.,	M.C.R. 4865
James F. Pace,	M.C.R. 4919
Lillie May Allen, et al.,	M.C.R. 4920
Robert P. Pace, et al.,	M.C.R. 5956
Albert S. Pace, et al.,	M.C.R. 6238
John S. Pace, et al.,	M.C.R. 6061
Thomas H. Pace, et al.,	M.C.R. 5849
General L. Pace, et al.,	M.C.R. 6193
Sarah Hendrix, et al.,	M.C.R. 5213
Martha Almira Guyll, et al.,	M.C.R. 6261
Thomas R. Guyll, et al.,	M.C.R. 6262
John S. Guyll, et al.,	M.C.R. 6263
Sarah Elizabeth Moore, et al.,	M.C.R. 6264
William T. Pace, et al.,	M.C.R. 6340

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under articles fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Dean Pace, Mary Lewis, Jesse Lewis, Montie Lewis, Homer Lewis, Bessie Lewis, William W. Escue, Oscar Escue, Sally P. Escue, Lola P. Escue, Bennie Escue, Ella Nealey, Dolphus Culpepper, Christopher Columbus Pace, Heber Russell Pace, James F. Pace, Lillie May Allen, Leslie Leroy Allen, Robert P. Pace, Ullie Pace, Verdie M. Pace, Nera A. Pace, Willmina Pace, Lola P. Pace, Ernest D. Pace, Maurice B. Pace, Hannah E. Pace, Frederick O. Pace, Bruce O. Pace, Albert S. Pace, Ada Lee Pace, Evalena Pace, John S. Pace, Ora A. Pace, Josie Pace, John O. Pace, Thomas E. Pace, Mary M. Pace, Joseph R. Pace, Della M. Pace, Katie L. Pace, Florence I. Pace, Minnie P. Pace, General L. Pace, Stella May Pace, Maud Florence Pace, Alice Pace, Jesse Lee Pace, Paul O. Pace, Sarah Hendrix, Willie Hendrix, Maggie Hendrix, Belle Hendrix, Martin Hendrix, Jefferson Hendrix, George Hendrix, John Hendrix, Martha Almira Gyll, Oscar Bennett Gyll, James Elmer Gyll, Sophia Etta Gyll, Newton Franklin Gyll, Thomas R. Gyll, Josie May Gyll, George Alvin Gyll, John S. Gyll, William Henry Gyll, Sarah Elizabeth Moore, Jesse Clyde Moore, William T. Pace, Hirtie May Pace, Alma F. Pace, Jeff R. Pace, Charlie L. Pace, Ezra M. C. Pace and Samuel O. Pace as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William W. Escue for the identification of his wife, Sarah Ann Escue, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Dixie

M.C.R. 8851

COPY:

Muskogee, Indian Territory, May 11, 1903.

John S. Pace,
Rogers, Arkansas.

Dear Sir:

You are hereby notified that on the 12th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Dean Pace, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

J. B. Needles.
COMMISSIONER IN CHARGE.

For Identification as a Mississippi Choctaw.

Date JUL 12 1902
 Name John S. Pace
 Age 50 Blood 1/16
 Post-Office, Rogers, Ark.
 Father: Wm R. Pace d
 Mother: Sarah A. Pace d

Claims through father.
 Wife Rachel M. Pace L
 No claim for wife.

For request 2 children

Children:

Ora A. Pace	m	11
Josie	"	F 9
John O.	"	m 4

Stenographer

A. G. McMillan

Choctaw MCR 6052

Mary A. Jeter

See MCR 3205

MCR 6052

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 18th, 1902.

#4052.

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In the matter of the application of Mary A. Jeter for the identification of herself as a Mississippi Choctaw.

No attorney.

Mary A. Jeter, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mary A. Jeter.
Q How old are you? A I am forty-six years old.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Muskogee.
Q Muskogee, Indian Territory? A Yes sir.
Q How long have you lived in Muskogee? A We have just been here since about the middle of May.
Q Where did you live before you came to Muskogee? A Durant.
Q Durant, Mississippi, is that right? A Durant in the Choctaw, is where we came from, here.
Q How long did you live at Durant? A I lived there about four years.
Q Where did you live before that? A I lived pretty near everywhere; my grandfather came from Mississippi to Tennessee.
Q Did you ever live in Mississippi? A No sir.
Q Where were you born? A Tennessee.
Q What part? A Middle Tennessee, close to Nashville.
Q Is your father living? A No sir.
Q What was his name? A His name was Lewis Davidson.
Q Is your mother living? A Yes sir.
Q What is her name? A Sophia Davidson.
Q Through which one of your parents do you get your Choctaw blood?
A From father.
Q How long has he been dead? A He's been dead about twenty years.
Q About how old was he when he died? A He was about fifty years I guess, or sixty.
Q Fifty or sixty? A Yes sir.
Q Where was he born? A He was born in Tennessee.
Q Do you know what county? A Close to Middle Tennessee, there in Middle Tennessee close to Nashville.
Q Did he live there all his life? A He was born and raised there his father came from Mississippi - -

#2.

- Q Through which one of his parents did your father get his Choctaw blood? A From his mother.
- Q What was her name? A Nancy Davall.
- Q Do you know in what year your father was born? A No sir, I don't.
- Q Do you know in what year Nancy Davall was born? A No sir, I don't.
- Q Where was she born? A She was born in Mississippi.
- Q What county? A Couldn't tell you; I don't know.
- Q Do you know how long she lived in Mississippi? A No sir, I don't.
- Q How long had she been living up there in Tennessee when your father was born? A Well, I couldn't tell that exactly.
- Q Did your father ever have any brothers or sisters older than he? A Yes sir, he had two sisters and a brother.
- Q Older? A Yes sir.
- Q Were they all born in Tennessee? A No sir, I don't think they was.
- Q Do you know where they was born? A Born in Mississippi.
- Q Did Nancy have a Choctaw name do you know? A No sir, I don't know.
- Q Do you know through which one of her parents she get her Choctaw blood? A No sir.
- Q You don't then know the name of any one of your Choctaw ancestors further back than your grandmother Nancy Davall do you? A No sir.
- Q Were your father and mother lawfully married? A Yes sir.
- Q How long did they live together as husband and wife? A Well I couldn't exactly tell you; he was married when he was quite young.
- Q And how long do you think it was that they lived together? A Must have been about thirty-five years I guess.
- Q Do you know how many children were born to them? A Thirteen.
- Q Have you any evidence of their marriage? A No sir.
- Q Any written evidence of their marriage? A No sir.

It will be well for you to submit to the Commission proper evidence of the marriage of your father and mother. You will be allowed a period of fifteen days in which to furnish such evidence. Now the best evidence of their marriage of course would be their marriage license and certificate; if you can't get that, a certified copy of it.

- Q Your father never lived in the Indian Territory did he? A No sir.
- Q Then he was never recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian territory? A Not in Indian territory, no sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir, he's right here now.
- Q What is his name? A Sam Jeter.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q Have you any children? A I have one.
- Q How old is that child? A Its twenty-six years old.
- Q What is the child's name? A Yates; I have married twice.

#3.

- Q What is his given name? A Frank.
- Q Where does he live? A He lives out here about a mile and a half from town; he might be in town now.
- Q Has he appeared before the Commission? A No sir.
- Q Have you any children dead? A No sir.
- Q This application then is just for yourself only? A Well, myself and son.
- Q Your son being of age, he will have to appear for himself?
- A He will have to appear for himself.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Well my grandmother and one of my uncles--uncle Lewis Duvall--and one of my cousins--Lewis Duvall they are on the roll.
- Q What roll? A Choctaw roll.
- Q I am asking now whether your name is on any of the Choctaw tribal rolls here in Indian Territory? A No, my name aint.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities?
- A No sir.
- Q Has any application of any description ever been made before to-day in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Indians lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old Nation and not move out west, might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within

six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity, for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article Mrs. Jeter?
- A Yes sir, I think I do.
- Q Did any of your Choctaw ancestors live in what constituted the old Choctaw nation in Mississippi and Alabama in 1830 when this treaty was made? A Not that I know of they didn't.
- Q Did any of them own an improvement there at that time--seventy-two years ago? A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land?
- A No sir, not that I know of.
- Q Did any of them remove to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?
- A There was one of pappy's cousins moved to the Cherokee Nation and he had a Cherokee wife.
- Q Now I want to know whether your father or any of his parents or grandparents moved out to the new Choctaw Nation here between six sixty and seventy years ago, when the Indians were moved out here? A No sir, I know they didn't.
- Q Did any of your ancestors ever receive any land from the government back there in the old Nation under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q Are you sure that none of your people ever received any land from the government back there in the old Nation? A Not that I ever heard of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and take land, and on this account the government at its public land sales in

Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of they never, no sir.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors get any of this scrip from the government under this act of Congress? A No sir.
 Q Quite sure are you? A I am right sure of it. As long back as I can remember I never heard of it.
 Q So far as you know then none of your ancestors ever received any benefits as Choctaw Indians? A No sir, not that I know of.
 Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made, seventy-two years ago? A No sir, I don't.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir, I don't know of any.
 Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
 Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
 Q Have you any witnesses here to-day to testify? A No sir, I didn't think of coming down until I got in town.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days and their testimony will

be taken; or if you should see fit to offer any written evidence in support of this application such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application--anything further? A No sir.
- Q Have you any brothers living? A Yes sir, I have three.
- Q Three? A Yes sir.
- Q What are their names? A Live cless to Denison, Texas.
- Q What are their names? A Davidson.
- Q What are their full names? A Bill Davidson and Steve Davidson and Joe Davidson.
- Q Have you any sisters living? A I have one sister.
- Q What is her name? A Her name is Woods--Pearlie Woods.
- Q Have your brothers and sister been before the Commission?
- A No sir.
- Q Have you anybrethers dead? A Yes sir, I have two dead.
- Q Did either of them leave children? A No sir.
- Q Have you any sisters dead? A Yes sir, I have three sisters dead.
- Q Three dead? A Yes sir, I have four sisters dead.
- Q Did any one of them leave children? A Yes sir, my youngest sister left five children.
- Q What was your youngest sister's name? A Sophia White.
- Q Sophia White? A Yes sir.
- Q Are any of her children living now? A Yes sir, there are four of them living.
- Q What are their names? A Rosa White is the oldest one.
- Q Next one? A Tiny White.
- Q Next one? A Jesse White is a boy.
- Q Next one? A Nellie White.
- Q That's all that's living? A Yes sir.
- Q Are the girls married? A Two of them is married; the two old est ones.
- Q Do you know their married names? A The oldest one married Dick Smith and I didn't know the other one's husband's name; I never saw him.
- Q How none of your other deceased sisters left children? A No sir.
- Q Did your father ever have any brothers or sisters? A Yes sir, he had three sisters and three brothers.
- Q Are any of them living now? A No sir, not that I know of.
- Q Did any of them leave children? A No sir, not that I ever heard of at all.
- Q What were the names of your father's brothers and sisters, the oldest first? A Oldest brother was Bailey Davidson and the next oldest brother was Dick Davidson.
- Q Next one? A And Bill Davidson.
- Q How his sisters? A Oldest sister was named Martha.
- Q Martha? A Yes sir.
- Q What was her married name? A Melden.
- Q Next one of the sisters? A Elizabeth Davidson, she never married.

#7.

- Q And the next one of your father's sisters? A Fannie Davidson, she never married; hadn't the last account I had of her.
- Q Did Nancy Duvall ever have any brothers or sisters? A She had one brother that I know of.
- Q What was his name? A Lewis Duvall.
- Q None of your relatives so far as you know have ever appeared before this Commission? A No sir.
- Q Now you spoke a while ago about the names of some of your relatives appearing on some old roll; what do you mean by that?
- A Well, I was in Sherman last fall during the Old Soldiers' Picnic there in Sherman and we was all looking over the old roll there in Sherman and we saw Nancy Duvall and Lewis Duvall on the old roll--Mississippi Choctaw roll; and I lived at Durant and aimed to come right back and go and see about it but kept putting it off until I came out here to see my son, and we concluded to see what we could do.
- Q Who had that roll there? A I couldn't tell you the man's name.
- Q You don't know what kind of a roll do you? A They said it was an old Choctaw roll--where the Choctaw names was.

The records in the possession of the Commission containing the names of persons who complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or received benefits thereunder, are examined, and the names of none of the ancestors of this applicant are found thereon.

- Q Are there any further statements you want to make Mrs. Jeter in support of your application? A No sir.
- Q You don't speak the Choctaw language do you? A No sir.

This applicant has the appearance of being a white woman, though she shows slight indications of being possessed of Indian blood; she has a very dark complexion, dark brown eyes, rather prominent cheek bones; her hair which is now gray shows traces of being black; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McKillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 12th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 31 day of July, 1902.

Alfred L. Chandler
Notary Public.

M.C.R. 6052.

COPY.

Muskogee, Indian Territory, December 20, 1902.

Mary A. Jeter,

Muskogee, Indian Territory,

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Davidson, et al., embracing the following applications for identification as Mississippi Choctaws:

William Davidson	M.C.R. 3205
Annie Smith, et al.	M.C.R. 3206
Mary A. Jeter	M.C.R. 6052
Louis F. Yates, et al.	M.C.R. 6122

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Davidson, Annie Smith, Emmett Smith, Evere

Mary A. Jeter, --2

Smith, Barret Smith, Ira Smith, Mary A. Jeter, Louis F. Yates, Jim Yates, Marie Yates and Oochelater Yates as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

T. B. Hoar
Commissioner in charge,

Registered.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mary A. Jeter,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Davidson et al., of which decision you were advised by registered mail on the 20th day of December 1902.

Respectfully,

SIGNED BY

C. R. Breckinridge.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date _____
 Name *Mary A. Jeter*

Age *46* Blood *1/16*

Post-Office, *Muskogee, I. T.*

Father: *Lewis Davidson* *d*

Mother: *Zilphia* *"* *L*

Claims through *father.*
husband

Sam Jeter *L*

No claim for husband.

Children:

For self only.

Stenographer

A. G. McMillan

Choctaw MCR 6053

John Fraley

See MCR 41

MCR 6053

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., July 12th, 1902.

#0055.

In the matter of the application of John Fraley for the identification of himself and his minor child, Ira V. Fraley, and his incompetent brother Jesse A. Fraley, as Mississippi Choctaws.

W. M. Gravens, attorney for applicant.

John Fraley, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John Fraley.
Q How old are you? A I am thirty years of age.
Q How much Choctaw blood have you? A Well, I don't know.
Q What is your post office address? A Dublin, Logan County, Arkansas.
Q How long have you lived in the state of Arkansas? A I was born and raised there.
Q Is your father living? A No sir.
Q What was his name? A Reuben F. Fraley.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q How long has your father been dead? A About twenty-four years.
Q How old was he when he died? A I don't know.
Q About how long? A Let me see---well, I can't tell you.
Q Can't you give us some idea, was he as old as you are now or older? A Yes sir, he must have been thirty or thirty-five; that's the best that I can give it in.
Q Where was he born? A He was born in Arkansas.
Q Lived there all his life? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? A His mother.
Q What was her name? A Her name was---you mean her---
Q Her given name---first name? A Malinda.
Q When did she die? A I don't know.
Q Did you ever see her? A No sir.
Q Do you know how old she would be if she were living now? A No sir.
Q Did your father ever have any brothers or sisters older than he? A Yes sir, he had one brother.
Q Older? A Yes sir.

#2.

Q How much older? A Well sir, I don't know.
Q Well about how much? A I couldn't say.

By Mr. Gravens:

Q You know his brother don't you? A Yes sir.
Q Don't you know about how old he is? A He must be something near sixty.

By the Commission:

Q Through which one of her parents did Malinda get her Choctaw blood? A Her mother.
Q What was her name? A Her name was---Gunningham.
Q What was her given name? A I don't know her given name.
Q Malinda's maiden name was Gunningham was it? A Yes sir, I think that's her maiden name?
Q Where was she born? A I don't know.
Q Did she ever live in Mississippi to your knowledge---Malinda?
A I don't know.
Q You don't know whether she ever lived in Mississippi or not?
A No sir, I don't know.

By the attorney to applicant:

That's a matter that you may testify to what the family history is; that's a matter that may be proven by reputation or understanding in the family. Of course that isn't as good testimony as that you personally know; but you may know from reputation, what you heard your father or mother or other members of the family say about it; so if you can remember hearing your mother or father or any of the members of the family say where she was born, you can testify to that.

By the applicant:

I don't know where she was born.

By Mr. Gravens:

I know you don't, because she was born before you were born; you were not in existence when she was born.

By the Commission:

Q What is your understanding as to where Malinda was born? A Mississippi.
Q How did you reach that understanding? A Through my uncle and aunt.
Q What are their names? A Mollie Perryman and John Fraley.
Q They have been before this Commission have they not? A Yes sir, last Friday was two weeks ago.
Q You don't know the names of any of your Choctaw ancestors further back than Malinda do you? A Well, my great-great-grand-mother's name was---it's an Indian name; I can't speak the word-Utubbes.

#3.

- Q What other name did she have? A I don't know.
Q How did you learn that was her name? A Why through the---my
uncle.
Q John Fraley? A Yes sir, and aunt.
Q Were your father and mother lawfully married? A Yes sir.
Q How long did they live together as husband and wife?
A About six or seven years.
Q How many children were born to them? A Three.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father and mother. This evidence should be furnished within a period of fifteen days from to-day.

- Q Was your father ever recognized in any manner or enrolled as a
member of the Choctaw tribe of Indians in Indian Territory?
A Well, I don't know as---
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Mary L.
Q Mary L. Fraley? A Yes sir.
Q Has she any Choctaw blood? A None as I know anything of.
Q You make no claim for her? A No sir.
Q Have you any children? A One child.
Q What is that child's name? A Ira V.
Q How old is he? A Fourteenth months old. It's a girl.
Q Girl? A Yes sir.
Q Is she the child of yourself and Mary L. Fraley? A Yes sir.
Q Were you married to Mary under a license? A Yes sir.
Q When? A First day of last July was two years ago.
Q Where? A Where?
Q Yes? A At Dublin, Arkansas..
Q Are you living together now? A Yes sir.
Q Have you your license with you at this time? A Yes sir.

Marriage license and certificate of John Fraley and Mary L. Kilough offered in evidence, identified as exhibit "A", filed and made a part of the record in this case.

- Q Are you the John Fraley referred to in this license? A Yes sir.
Q And the Mary L. Kilough referred to in this license is your
wife and the mother of your child? A Yes sir.
Q This application is in behalf of yourself and one minor child?
A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory?
A None that I know of.
Q Did you ever make application to the Choctaw tribal authorities
in Indian Territory, to be admitted or enrolled as a member of
that tribe? A No sir.
Q Did you in the year 1896 make application to this Commission for
citizenship in the Choctaw Nation under the act of Congress approved
June 10, 1896? A No sir.
Q Have you ever made any application of any description before
to-day for the purpose of establishing your rights as a Choctaw
Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose

#4.

of claiming rights in the Choctaw lands for yourself and minor child under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaw Indians lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and become a citizen of the states, might do so and might, upon certain conditions, receive land back there. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you understand that fourteenth article? A Yes sir, I think I understand it.

Q Did any of your ancestors--you know what ancestors mean--forefathers--ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits under that article? A Not as I know of.

Q Did any of them live back there in Mississippi or Alabama in 1830 when this treaty was made, to your knowledge? A I think my great-great-grandmother did.

#8.

- Q What was her name; go ahead if you know it; if you don't, just say you don't know it? A I know it, but I just can't think of it.
- Q You don't know then the name of your Choctaw ancestors who was living in the old Nation in Mississippi and Alabama in 1830, when this treaty was made? A I know the name but just can't think of it at present.
- Q Do you know whether that ancestor owned an improvement there at that time? A No sir.
- Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government down there in Mississippi for the Choctaws know that they wanted to become citizens of the states and take land? A No sir.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.
- Q Do you know whether any of them ever claimed or received any land back there in the old Choctaw Nation from the government under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did you ever hear of any of your people ever having gotten any land back there from the government under this treaty? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A None that I know of.
- Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts; any deeds or patents or papers of any kind? A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir, none only what my uncle and them that came in here a while back-----
- Q Have you any witnesses hereto-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at this place within fifteen days from now and their testimony will be taken; or, if you should see fit to offer any written evidence, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you want to make in support of this application? A No sir.
- Q What relation are you to Nellie J. Perryman? A She's my aunt.
- Q Your father's full sister? A Yes sir.
- Q Have you any brothers living? A I have two.
- Q What are their names? A George W. and Jesse A.
- Q Have you any sisters living? A No sir, I have no sisters.
- Q Never had any? A No sir.
- Q Nor any other brothers? A No sir.

By the attorney:

Mr. John F. Fraley is the oldest brother of Jesse A. Fraley who is a mentally incompetent and weak-minded, and he has been his active guardian since he arrived at his majority and has control of what he has and acts as his guardian and wishes you would let him make application for his identification as a Mississippi Choctaw on account of his mental incapacity to make it himself. The testimony in his case

#7.

would be the same as that in John F. Wralley's case.

By the Commission to applicant:

- Q How old is your incompetent brother? A He's twenty-six years old.
- Q Has he ever been married? A No sir.
- Q He's your full brother? A Yes sir, my youngest brother.
- Q How long has he been incompetent? A Well, about all his life.
- Q No application of any kind has ever been made in his behalf to this Commission has there? A No sir.
- Q He never has been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities?
- A No sir.
- Q His name doesn't appear upon any of the Choctaw tribal rolls?
- A No sir.
- Q Have you ever been legally appointed guardian for him?
- A No more than I just had him to take care of; the father is dead.
- Q How long have you been taking care of him? A Ever since I was big enough to see about the business.
- Q Does this boy live with you? A He did until I married, but still I have to kinda see after him. If he goes to make trades or anything he comes to me.
- Q Is his post office address the same as yours? A Yes sir.
- Q T

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; he has black hair, light mustache, rather dark complexion, gray eyes; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 18th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Sworn to and subscribed before me this 21st day of July, 1902.

Guy L. V. Emerson
Notary Public.

6053
M.C.R. 1042

Muskogee, Indian Territory, July 30, 1903.

William M. Craven,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th inst., enclosing certified copy of marriage record between Reuben Fraley and Elizabeth Bryant; also the affidavit of J. Fraley, which you offer for filing in support of the application made by John Fraley for the identification of himself and minor children as Mississippi Chestaws, and the application of George W. Fraley for identification as a Mississippi Chestaw.

The same have been filed in the consolidated case of John Fraley, et al.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 6053

Muskogee, Indian Territory, February 17, 1903.

John Fraley,

Dublin, Arkansas.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mellie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5018
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mellie J. Perryman, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Hilton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Beem, et al.,	M.C.R. 4675
McGlelland Beem,	M.C.R. 4833
Jenettie M. Yathum, et al.,	M.C.R. 4835
William V. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Thos G. Gurley, et al.,	M.C.R. 6041
Ob Dunn, et al.,	M.C.R. 5774
Arlene M. Kreipke, et al.,	M.C.R. 6219
John F. Zachary,	M.C.R. 6220
Irene J. Zachary, et al.,	M.C.R. 6217
Anna Belle Zachary,	M.C.R. 6218

John Fraley,-2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Peanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida P. Moore, Fecirl E. Moore, Mollie J. Perrymore, Thomas P. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Vera M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George H. Thomas, William Been, Emily J. Been, Jessie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Lorton Curley, Ob Dunn, Ora Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John P. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage; and that

John Praloy, -3

The applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this matter, and that at the expiration of said time the papers in the case shall be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 6053

COPY.

Muskogee, Indian Territory, August 27, 1904.

John Fraley,

Dublin, Arkansas,

Dear Sir:

You are hereby notified that on the 16th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

MUR-6033

MUR-6034

Muskogee, Indian Territory, March 22, 1907.

John F. and Geo. W. Fralcy,
Dublin, Arkansas.

Gentlemen:-

Receipt is hereby acknowledged of your letter of February 17, 1907, by reference from the Secretary of the Interior. Therein you ask how to proceed to prove your claim as a Mississippi Choctaw.

In reply you are advised it appears from the records of this office that you are applicants for identification as Mississippi Choctaws in the consolidated case of Amanda I. Dunn et al., in which case the Secretary of the Interior, on August 15, 1903, approved the decision of the Commission to the Five Civilized Tribes of February 17, 1903, refusing to identify the several applicants in said consolidated case as Mississippi Choctaws. This case is considered closed.

Your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

JUL 17 1892

Name

John Fraley

Age

30

Blood

don't know

Post-Office,

Dublin

Ark.

Father:

Reuben F. Fraley d

Mother:

Elizabeth

"

L

Claims through

father.

wife Mary L Fraley L

No claim for wife

Children:

Ira V. Fraley 14 ~~14~~ ¹⁵ ~~no~~

For bill and one child
also in competent or for

Jesse Allen Fraley

Father. Reuben F Fraley

Mother Elizabeth

"

26

L

L

Stenographer

A. G. McMillan

Choctaw MCR 6054

George W Fraley

See MCR 41

MCR 6054

Department of the Interior,
Commission to the Five Civilized Tribes.
Washoe, N. T., July 18th, 1908.

24054.

In the matter of the application of George W. Fralay for
the identification of himself as a Mississippi Cheatew.

W. M. Gravens attorney for applicant.

George W. Fralay, being first duly sworn, testified as fol-
lows:

Examination by the Commission:

- Q What is your name? A George W. Fralay.
Q How old are you? A Twenty-seven.
Q How much Cheatew blood do you claim to have? A I don't know.
Q What is your post office address? A Dublin, Logan County,
Arkansas.
Q How long have you lived in the state of Arkansas? A Lived
there all my life.
Q Is your father living? A No sir.
Q What was his name? A Nathan F. Fralay.
Q Mother living? A Yes sir.
Q What is her name? A Elizabeth.
Q Through which one of your parents do you derive your Cheatew
blood? A My father.
Q What relation are you to John Fralay who has just appeared be-
fore the Commission? A Full brother.

It will be necessary that you furnish the Commission
with proper evidence of the marriage of your father and moth-
er. Your brother John has been requested to furnish this
evidence. If it is furnished by him it will not be necessary
that you furnish it. It must be furnished however in one of
your oaths. This evidence should be furnished within fifteen
days from to-day.

- Q Through which one of his parents did your father get his Cheatew
blood? A His mother.
Q What was her name? A Malinda.
Q Through which one of her parents did she get her Cheatew blood?
A Her mother.
Q What was her name, do you remember? A I know it if I could
just think of it. Mary Cunningham I think.
Q Through which one of her parents did she get her Cheatew blood?
A Her mother.

#2.

- Q What was her name? A Utubbes.
Q Sure of that are you? A Yes sir, what I have been told.
Q How much Choctaw blood did she have? A Claimed she was full blood.
Q Where did she live? A I don't know.
Q What did you understand as to where she lived? A Mississippi I understand.
Q How old would she be if she were living now? A I don't know.
Q Have you an idea? A No sir.
Q Are you married? A No sir.
Q This application is for yourself only? A Yes sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A Not that I know of.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not as I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, at any time, to be admitted or enrolled as a member of that tribe, or did any one else ever make such an application in your behalf? A Not as I know of.
Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir, not as I know of.
Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities? A No sir.
Q Has any application of any kind ever been made before to-day in your behalf for the purpose of establishing your rights as a Choctaw? A Not as I know of.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek?
A You say do I appear?
Q Yes? A Yes sir.
Q You understand that fourteenth article do you? A Yes sir.
Q Did any of your ancestors ever comply with its provisions or ever receive any benefits under it to your knowledge? A Not as I know of.
Q Did any of them live back there in the old Choctaw Nation--back there in 1830 when this treaty was made? A Not as I know anything about.
Q Did any of them own an improvement there at that time?
A Not that I know of.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was made, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A Not as I knew anything about.
Q Did any of them remove to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1831 and 1836?
A I don't know.
Q Did any of them ever claim or receive any land from the government under this fourteenth article of the treaty of Dancing Rabbit Creek? A Not as I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land; on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were appointed and went down to Mississippi and heard a great many of these cases.

- Q Did any of your ancestors appear before any of these Commissioners and try to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I knew of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress?
 A Not as I knew anything about.
 Q You never heard then of your ancestors ever having gotten any benefits as Choctaws? A No sir.
 Q Do you know whether any of them were recognized members of the tribe in 1830? A No sir.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
 A No sir.
 Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
 Q Have you any written evidence of any kind to offer at this time?
 A No sir.
 Q Any witnesses here to-day? A No sir. My whole claims to know

4.

of some testimony which he is after now.

In case you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

Q What relation are you to John K. Fralay? A He's my uncle.

Special reference is hereby made to X U R 5394, applicants in said case and the applicants in this case being the descendants of a common Cheetaw ancestor.

Q Any further statements you want to make? A No sir.

Q Do you speak the Cheetaw language? A No sir.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; his hair is rather inclined to be dark; has rather fair complexion, light mustache, gray eyes; doesn't speak or understand the Cheetaw language and has no knowledge of the provisions on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert S. McKillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 13th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert S. McKillan

Subscribed and sworn to before me this 21st day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 6054

Muskogee, Indian Territory, February 17, 1903.

George W. Fraley,

Dublin, Arkansas.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Selclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mellie C. Little, et al.,	M.C.R. 5589
William H. Dunn, et al.,	M.C.R. 5018
Henry E. Dunn, et al.,	M.C.R. 4996
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mellie J. Perryman, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6083
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McGalland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4838
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Ines G. Gurley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6216

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie G. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl E. Moore, Mollie J. Perrymore, Thomas P. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Jessie Been, Eggie M. Been, McClelland Been, Jennettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Leil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larten Curley, Ob Dunn, Ora Lee Dunn, William P. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John P. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

George W. Yraley, -3

the applications made by John H. Dunn for the identification of his wife, Nellie Dunn, and by Nellie C. Little for the identification of her husband, Willis Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time your case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

ENCLOSURE

Tams Dixby.

Acting Chairman.

Registered.

COPY.

Waukegon, Indian Territory, August 27, 1904.

George W. Braley,

Dublin, Arkansas,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

MUR-6083

MUR-6084

Washkago, Indian Territory, March 22, 1907.

John F. and Geo. W. Fralry,

Dublin, Arkansas.

Gentlemen:-

Receipt is hereby acknowledged of your letter of February 17, 1907, by reference from the Secretary of the Interior. Therein you ask how to proceed to prove your claim as a Mississippi Choctaw.

In reply you are advised it appears from the records of this office that you are applicants for identification as Mississippi Choctaws in the consolidated case of Amanda I. Dunn et al., in which case the Secretary of the Interior, on August 15, 1903, approved the decision of the Commission to the Five Civilized Tribes of February 17, 1903, refusing to identify the several applicants in said consolidated case as Mississippi Choctaws. This case is considered closed.

Your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

Commissioner.

No. 6054

For Identification as a Mississippi Choctaw.

Date
Name *George W. Fraley*

Age *27* Blood *don't know*

Post-Office, *Dublin, Ark*

Father, *Reuben F Fraley*

Mother, *Elizabeth* "

d
L

Claims through *father.*

Self only.

Children:

Stenographer

A. G. McMillan

Choctaw MCR 6055

James C. Young

See MCR 6001

MCR 6055

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 14, 1902.

---0---

In the matter of the application of James G. Young
for the identification of himself and his minor child Callie
Young as Mississippi Choctaws.

---0---

James G. Young being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Young - James G. Young.
Q How old are you? A I'm forty two years old; past.
Q How much Choctaw blood have you? A One quarter; one eighth I mean.
Q What is your post office address? A Garretts Bluff, Texas.
Q In what county do you live? A Well I live in Jackson County in the Choctaw Nation; my post office is right across the river.
Q How long have you lived in the Choctaw Nation? A Well I been here off and on fifteen or sixteen years. About fifteen years.
Q For how long have you lived there continuously? A Well about two years the last time; I lived here something near two years.
Q Came here in 1900? A I think about two years the last time; I stayed the longest.
Q You came here about two years ago? A Yes sir.
Q How long had you been away immediately before the last time you came? A Just a little while; it hadn't been over about eight months.
Q And how long did you stay in the Indian Territory next to the last time you were here? A Well I dont recollect.
Q About how long? About how long I did stay.
Q Give us an idea about how long - one years, two years, five years? A If I understand you you are after the last time I was out? A
Q No; that isn't what I mean; I asked you-- what I want to know is this; I asked you how long you had been here this last time; you said two years; I asked you how long you were away just before that; you said eight months; how long were you here just before that eight months - continuously?
A Well I was here five years or more.
Q Continuously? A Yes sir.
Q Where did you live before you came to the Indian Territory?
A I lived in Arkansas.
Q How long? A Well not a great while; I cant recollect exactly now.
Q About how long? A Something over three or four years; I was born there.
Q You must have lived there more than two or three years?
A Well I dont know that I did; I cant recollect what year I did leave Arkansas; I was about ten years old when I left there; pretty near ten years old.

James C. Young--2.

- Q Is your father living? A No sir.
Q What was his name? A Thomas K. Young.
Q Mother living? A No sir.
Q What was her name? A Rosanna Young.
Q Through which one of your parents do you get your Choctaw blood? A Through my grand father.
Q Your parents - your father or mother? A Mother.
Q How old would your mother be if she were living now? A Well she would be something near eighty years old.
Q Where was she born? A She was born I think in Tennessee.
Q Do you know in what part? A No sir I dont know what part.
Q Do you know how long she lived in Tennessee? A I cant tell you that.
Q About how long ; can you give us anyidea?
A No I cant give you any idea. She went from Tennessee to Mississippi and I cant give any idea how long she stayed in Tennessee.
Q How long did she live in Mississippi? A Well I cant say how long she lived there.
Q Do you have any idea how long she lived there? A No I dont know.
Q In what year did she move from Tennessee to Mississippi?
A Well I cant tell.
Q Was it before the Choctaws had moved out to this country or after? A It was before they moved to this country.
Q How long before? A I dont know exactly how long but it-- as well as I understand it -- it was a right smart bit but I dont know how long.
Q Do you know what part of Mississippi she lived in? A Yes in Tishomingo Mississippi.
Q Through which one of her parents did your mother get her Choctaw blood? A Her parents?
Q Yes her father or mother? A Her father.
Q What was his name ? A His name was Woods.
Q What was his full name? A Billy Woods.
Q Billy Woods according to your claim was a half blood Choctaw?
A No according to my understanding he was a three quarter Choctaw. Is what I was taught.
Q Did he have a Choctaw name A I dont know.
Q Did you ever see him? A No sir never seen him.
Q Never heard of him having any other name except Billy Woods
A No sir.
Q Do you know in what year he was born? A No sir.
Q Do you know where he was born? A No sir I do not.
Q Where did he live? A Well he lived in Mississippi and Arkansas; died in Arkansas.
Q When? A I dont know; he died there a good long while ago, the best of my recollection, what my mother said. He died there during the war; this last civil war.
Q How long did he live there? A I dont think he lived there long before had led.
Q Where did he come from to Arkansas ? A Mississippi.
Q How long did he live in Tennessee? A I cant tell you that.
Q You cant give us any idea? A No sir.

James K. Young--3.

- Q You cant give us any idea of when he moved from Tennessee to Mississippi? A No sir I cant tell you that.
- Q Do you know the name of Billy Woods' parents? His father or mother? A No sir I do not.
- Q What was your mother's mother's name? A I cant tell you.
- Q Did your mother ever have any brothers or sisters? A Yes sir. I cant tell you exactly how many.
- Q About how many? A Had two brothers that I recollect.
- Q Full brothers? A Yessir.
- Q Do you know whether Billy Woods and your mother's mother were lawfully married? A Yes sir.
- Q How do you know? A That's what I was taught, by my mother you know.
- Q Do you know how long they lived together as husband and wife?
- A No sir; I cant tell you that either.
- Q It will be well for you to furnish the Commission with proper evidence of the marriage of Billy Woods and your mother's mother in connection with this application; you will be allowed a period of fifteen days within which to offer such evidence.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A Millie Young.
- Q Has she any Cheetaw blood? A No sir.
- Q You make no claim for her then? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A One.
- Q What's that child named? A Gallie.
- Q How old? A Fourteen years old; will be fourteen in November.
- Q Boy or girl? A Boy.
- Q Is that all the children you have living? A Yes sir.
- Q Is Gallie the child of yourself and Lillie Young? A No sir.
- Q You have been married more than once? A Yes sir.
- Q What's the name of the mother of Gallie? A Mollie Young.
- Q Did Mollie have any Cheetaw blood; do you know? A Well I have heard her father say so but that's all I know about it.
- Q You dont know anything about that? A They was from Mississippi; he claimed that.
- Q Were you married to her under a license? A Yes sir.
- Q Where? A Howard County Arkansas.
- Q When.
- Q Twenty one years.
- Q Twenty one years ago? A Yes sir.
- Q Who married you? A Squire Mills a Justice of the Peace.
- Q Have you your license and certificate with you? A No sir.
- It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and Mollie Young the mother of your minor child Gallie; this evidence should be furnished within fifteen days from today; the best evidence is the original license and certificate; the next best is a certified copy of it.
- Q When did your first wife die? A She died about eight years ago.

James E. Young--4.

- Q When did you marry the second time? A Four year s ago.
- Q This application is for yourself and one minor child is it not? A Yes sir.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the tribal authorities? Never; no sir; not that I k now of.
- Q Is your name or the name of your child for whom you make application to be found upon any of the Choctaw tribal rolls in Indian Territory; your name or the name of your child on any of the Choctaw tribal rolls? A I dont exactly understand you.
- Q Well the tribal rolls are lists of the members of the Choctaw tribe of Indians prepared by the tribal authorities themselves; the officers of the government; they are what we call the tribal rolls; I want to know whether your name or the name of this child for whom you make application are to be found upon these rolls? A No sir I suppose not.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself and child to be admitted or enrolled as members of the Choctaw tribe?
- A Never before.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896? A Did I make application.
- Q Yes in '96? A I never made any application.
- Q Then neither you nor your child have ever been admitted to citizenship in the Choctaw Nation have you? A Well we have lived here but never been admitted by any authority or courts or anything, like that; never was.
- Q Was any application of any description ever been made before today in your behalf or in behalf of this child for the purpose of establishing your rights as Choctaw Indians? A Not any further than my brother was here a week ago.
- Q He wasn't permitted to make application for you. You never then have made application of any kind for the purpose of establishing your rights? A Never have.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory for yourself and minor child under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time this treaty was made some of these Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article

James C. Young---5.

provided that upon certain conditions a Choctaw who preferred to remain back in the old nation and not move out west might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section for such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article? A No I don't know as I do.

Well, in case a Choctaw who might have been living back in the old Nation seventy two years ago when this treaty was made; decided that he wanted to stay back there in the old nation and not move out west here with the main body of the tribe he had the right to receive land back there in the old nation from the government upon certain conditions; first he was required to let the agent of the government there in Mississippi at that time know within six months from the time the treaty was ratified, that is six months from February 24, 1831 that he wanted to stay there and become a citizen of the states; he was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each unmarried child in his family over ten years of age on September 27, 1830 the day the treaty was ratified he was entitled to an additional half section or three hundred and twenty acres and for each child in his family under ten years of age when the treaty was made he was entitled to a quarter section or one hundred and sixty acres and by the terms of this fourteenth article the reservations of the children were required to adjoin the reservation of the parent and in each instance these reservations so made to these Indians were required by the terms of this fourteenth article to include the improvements of the head of the family as it existed on September 27, 1830. Now if these Indians stayed there in Mississippi and lived on this land intending to become citizens of the states for five years from February 24, 1831 the day the treaty was ratified they were entitled to a grant in fee simple for the land under the terms of this fourteenth article - that is the government would give them a deed or patent to the land and it

James C. Young--6.

would become the proper of the Indian to dispose of at his own pleasure. The last clause of that fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now that means that persons who staid there in Mississippi at that time and took land back there they should not by reason of their having done so lose the privilege of a Choctaw citizen but if they ever removed - that is if they ever decided to go to the new nation after that they were not to be entitled to any portion of the Choctaw annuity. Choctaw annuity is money which become due each year to the Indians under treaty provisions.

- Q Do you understand that fourteenth article now? A Yes sir I think I do.
- Q You think you understand it now? A Yes sir.
- Q Did any of your ancestors or forefathers ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A No sir; none at all; none that I know of.
- Q Did any of them live in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made; did any of them live there? in 1830 when the treaty was made seventy two years ago A Yes sir.
- Q Which one of your ancestors lived there at that time?
- A Why my grand father has a relation there and my mother had some relations there.
- Q I'm talking about your direct ancestors, your mother, your grand parents or great grand parents; do you know of them living there in 1830 when this treaty was made? A Yes sir they was living there.
- Q Name one of them? A Connected with my grand father?
- Q One of your Choctaw ancestors? A Yes sir I had a cousin Elijah Woods.
- Q You dont consider him an ancestor do you? A I dont know; he was kinfolks.
- Q What I mean is your forefathers; I dont mean your cousins.
- A I dont know anything about them.
- Q Do you know whether any of them owned an improvement there at that time? A No I dont know as they did.
- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land? A I cant say.
- Q You dont know whether any of them removed to the present nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1838 and 1839? A None but my grand father and my father and mother; none that I have any knowledge of.
- Q Do you know just when they came out there? A No, they come over there sometime before this last civil war.
- Q Came with the Indians did they? A Yes sir.

James C. Young--7.

- Q Did they come out when the Indians first moved to this country? A That was my understanding, yes sir.
- Q Among the first lot of Indians, they came out here.
- A Yes sir came out to this country to get a home is my understanding.
- Q But you cant tell the year in which they moved out west?
- A No sir I could not.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the government under the fourteenth article of the treaty of Dancing Rabbit Creek? A Does that include cousins.
- Q Just your direct ancestors; your grand parents and great grand parents? A No sir; I dont know anything about that.
- Q If any of them ever received any land from the government then you never heard of it.
- Q If any of them ever received any land from the government then you never heard of it? A I reckon my father got land there and it was taken away from him and they started to this country and got as far as Arkansas and my grandfather died.
- Q Your mother and father came from Mississippi to Arkansas?
- A Yes sir my mother and father came from Mississippi to Arkansas with my grand father at the same time; I've heard them speak about my grand father having land and it was taken away from him; lost their home there and was to come west to get it.
- Q You dont know whether he was to get that under the fourteenth article or not? A I dont know anything about that.
- Q Do you know whether he ever owned land or improvements on land in Mississippi? A Not any more than I understood he had a home there and it was taken away from him.
- Q Who took it away from him? A I dont know unless it was the government when they all had to leave there.
- Q You dont know anything more about it at all? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know they wanted to stay and become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down to the state of Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners

James G. Young--8.

were duly appointed by the President of the United States and they went to Mississippi between the years 1847 and 1848 and heard a great many of those Choctaw cases.

- Q Did any of your ancestors appear before any of those Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?
- A I cant say; not that I know of.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, 1 land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A Not that I know anything about.
- Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaws? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 at the time this treaty was made? A Well all of our people was there - was recognized at that time you know as Indians; they all lived in that country.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Why yes, I've got an old gentleman who knew my grandfather.
- Q What's his name? A James Jynes.
- Q Where does he live? A He lives in Texas. Lamar County Texas.
- Q Do you know of anyone else? A I know that fellow - I knew my mother and father and their people.
- Q Does he know whether your grandfather complied with this treaty provision or not? A I cant tell; he knows about them; he knew them in Mississippi and come from Mississippi to Arkansas with my grandfather and my grandfather died there.
- Q You dont know of anyone outside of Jynes who would know about that do you? A No sir; I dont know what he does know about that.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts, any deeds or patents or papers of any kind to prove your people ever complied with this treaty? A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from today and their testimony will be taken; if you want to take the testimony of these witnesses referred to in Texas you can bring him

James C. Young—9.

up here in fifteen days and we will take his testimony. If you should see fit to offer any written evidence in support of this application such proper written evidence as may be received within fifteen days from today will be considered in connection with this application.

- Q Are there any further statements you want to make in support of your application? A No, no further than what I have already stated—grandfather, my grandfather you know was a Mississippi Choctaw, and coming from Mississippi or Alabama and dying on his way here.
- Q Have you any brothers living? A Yes I got one living I know of.
- Q Has he been before the Commission? A Yes sir; he's been before the Commission.
- Q What's his name? A John P. Young.

The records in the possession of the Commission containing the names of persons who complied or attempted to comply with the provisions of the fourteenth article of the treaty of Banding Rabbit Creek or received benefits thereunder are examined and the name of Billy Woods is not found thereon.

Special reference is hereby made to N.C.R. 6001 John P. Young et al., the principal applicant in said case and the principal applicant in this case being full brothers.

- Q You don't speak or understand the Choctaw language? A No sir.

—O—

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood although he has a very dark complexion dark hair and dark brown eyes; he does not speak or understand the Choctaw language and has no knowledge of compliance on part of his ancestors with the provisions of article fourteen of the treaty of Banding Rabbit Creek.

—O—

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 24 day of July 1902

L. V. Emerson
Notary Public.

Miss. Chas. 6088

Muskogee, Indian Territory, July 17, 1902.

W. A. Carry,

Hugo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing your affidavit which you offer in support of the application made by John P. Young for the identification of himself and his minor children as Mississippi Choctaws and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Waskagoo, Indian Territory, July 28, 1902.

James C. Young,

Garrettsbluff, Texas.

Dear Sir:

Receipt is hereby acknowledged of the marriage license and certificate between James C. Young and Maudie Young offered in support of the application made by you for the identification of yourself and minor child as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, November 28, 1902.

James C. Young,
Garretts Bluff, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you state you "have a friend who has more land improved than he can allot and wants to sell me part of it. Would I be safe in buying the place?"

In reply you are informed that from an examination of the records of the Commission it appears that you are an applicant for identification of yourself and minor child as Mississippi Choctaws. No opinion or decision has yet been reached in your case.

At the present time you occupy the status of an applicant for identification as a Mississippi Choctaw, whose right to such identification has in no manner been determined.

Relative to your holding land in the Choctaw Nation, your attention is invited to the following provision of act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations on September 25, 1902:

"41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of Section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the

J.C.Y. ---2.

Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior.*

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws entitled to allotment, and that you are not, at this time, in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 19, 1903.

James C. Young,

Garrette Bluff, Texas.

Dear Sir:

You are hereby advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John P. Young, et al., embracing the following applications for identification as Mississippi Choctaws:

John P. Young, et al., M.C.R. 6061,
James C. Young, et al., M.C.R. 6055.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John P. Young, Willie Young, Johnnie Young, Ella Young, Tom Young, Walter Young, Zim Young, Fred Young, Bert Young, Gracie Young, James C. Young and Callie Young as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. C. Y. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M C R 6055

Muskogee, Indian Territory, February 11, 1903.

J. C. Young,

Garrettsbluff, Texas.

Dear Sir:

Receipt is hereby acknowledged of a joint letter of yourself and J. P. Young of the 3rd instant, relative to the decision of the Commission refusing your applications for the identification of yourselves and families as Mississippi Choctaws.

In reply to your letter you are informed that the fifteen days heretofore granted in this case within which to file arguments to be forwarded to the Secretary of the Interior, expired on February 3, 1903, and on February 4, 1903, the record in this case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

M.D.R. 6055.

COPY

Muskogee, Indian Territory,

April 17, 1908.

James O. Young,

Garretts Bluff, Texas.

Dear Sir:

You are hereby notified that on the 7th day of April, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of John P. Young, et al., of which decision you were advised by registered mail on the 19th day of January, 1908.

Respectfully,

ENGINEER

James Bixby
Chairman.

Refer in reply to
the following:

Copy.

LAND:
22295-1903.
57989-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 7, 1903, (I.T.D. 3018-1903), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of John P. Young, et al., for identification as Mississippi Cheetaws, I now have the honor to transmit herewith a motion for reopening and rehearing this cause, filed with the Commissioner on June 25, 1906, by Robert E. Lee, attorney for the applicants, of Ardmore, I. T. The motion does not show that it was served upon the attorneys for the Cheetaw and Chickasaw Nation.

The record in the case is enclosed herewith.

Very respectfully,

Acting Commissioner.

EWE-EH

C.R.W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

D.C. 53534-1906.
I.T.D. 318-1903.
13639-1906.
23214- "

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 19, 1906 (Land 57989), the Indian Office transmitted the record, together with a motion for reopening and rehearing, in the matter of the application of John P. Young et al. for identification as Mississippi Choctaws.

Said motion and the affidavits filed in support thereof present no reason for changing departmental action of April 7, 1903, adverse to the applicants, and it is accordingly denied.

A copy of the Indian Office letter is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

MOR 6055

COPY

Muskogee, Indian Territory, December 19, 1906.

James G. Young,

Garrett's Bluff, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on December 8, 1906, denied a motion for reopening and rehearing the consolidated Mississippi Choctaw case of John P. Young, et al., filed by Robt. E. Lee, attorney at law, Ardmore, Indian Territory.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

No. _____
For Identification as a Mississippi Choctaw.

Date

JUL 14 1907

Name

James C. Young

Age

42

Blood

$\frac{7}{8}$

Post-Office,

Sanetttsbluff, Texas

Father:

Thomas K. Young d

Mother:

Rozanna Young d

Claims through mother.

wife

Lillie Young

No claim for wife. L

Children:

Callie Young

M 13

mother name "

(no Choctaw blood) d

Self and one child

Stenographer

Clara M Wood

Choctaw MCR 6056

Lizzie Brawn

See MCR 6057, 6059, 6058
5564, 5590, 5589, 5570
5565, 5566

MCR 6056

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Lizzie Brown, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Lizzie Brown, et al.,	M. C. R. 6056
Etta Brown,	M. C. R. 6057
James A. Brown,	M. C. R. 6059
Ethel Johnston,	M. C. R. 6058
Lurany Dodson, et al.,	M. C. R. 5564
Nancy Pearl Cooper, et al.,	M. C. R. 5590
Wiley L. Downum, et al.,	M. C. R. 5589
James Sidney Downum, et al.,	M. C. R. 5570
William A. Downum, et al.,	M. C. R. 5568
Elizabeth Killebrew, et al.,	M. C. R. 5566

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of

Lizzie Brown, et al.

-----0-----

Page.

Application of Lizzie Brown for citizenship in the Choctaw Nation, taken March 8, 1900,	1
Copy of letter addressed to Lizzie Brown,	3
Registry return receipt,	5
Original application of Lizzie Brown, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,	6
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MARCH 8, 1900.

IN THE MATTER OF THE APPLICATION OF LIZZIE BROWN FOR CITIZENSHIP IN
THE CHOCTAW NATION. POST OFFICE AT MAYSVILLE, ARKANSAS.

Lizzie Brown, being first duly sworn, deposes and says:

What is your name? A Lizzie Brown.

Q How old are you? A 62 years old.

Q Where do you live? A I live in the Nation. In the Cherokee Nation,
Delaware District.

Q How long have you been living in the Cherokee Nation? A Some over
8 year

Q Where did you come from to the Cherokee Nation? A I have been
nearly all over the world since I have been married. I have trav-
elled a heap. I was in Washington County. The last place I come
from was Sulphur Springs.

Q Where were you born? A I was born in Tennessee.

Q Where did you remove to from Tennessee? A To Benton County, Arkansas.

Q Well, did you move from Benton County, Arkansas, to the Cherokee
Nation? A No, I moved from Washington; I moved from the state of
Arkansas to the Cherokee Nation.

Q What was your father's name? Lee Downum.

Q What was your mother's name? A Lucinda Downum.

Q Are you upon any of the rolls of the Choctaw Nation as a citizen?

A I can't hardly answer that question. We have been trying for this
some time; my husband has paid out considerable money.

Q Well, if you are on any of the rolls, you don't know it? A No.

Q How much Choctaw blood do you claim? A One fourth; no, it is not
one fourth; that is what my mother was; my grandfather was a quar-
ter.

Q You claim your Choctaw blood through your father or mother?

A Through my mother. I know it is there.

Q Are you married? A Yes sir.

Q What is your husband's name? A John Brown.

Q How many children have you? A Sis. Eddie Brown, 22, James Brown, 19, Jesse Brown, 17, Ethel Brown, 13, Vady Brown 13, Bessie Brown 11.

Q Are your father and mother now alive? A No sir.

Q Where did they die? A They died in Benton County, Arkansas.

Q Have you ever applied to the Dawes Commission for citizenship? A No

Q Nor never applied to the authorities of the Choctaw Nation? A I can't answer that; we have and paid \$25.00 to Edmundson and he has never answered our letter.

Q You never have been admitted to citizenship by the authorities of the Choctaw Nation nor by the Dawes Commission to your knowledge?

A Not that I know of.

Commissioner Needles: As you are not upon any of the Choctaw rolls, and are not a resident of the Choctaw Nation, and have not been admitted to citizenship by the Dawes Commission nor by the United States Court, nor any of the authorities of the Choctaw Nation this Commission has no jurisdiction in your case, and your application will be refused.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-416.

Muskogee, Indian Territory, March 7, 1902.

In the matter of the application of)
Lizzie Brown for the enrollment of)
herself, her husband John Brown and)
her seven minor children, Sis Brown,)
Eddie Brown, James Brown, Jessey)
Brown, Ethel Brown, Vady Brown and)
Bessie Brown as citizens by blood)
of the Choctaw Nation.)

Lizzie Brown,

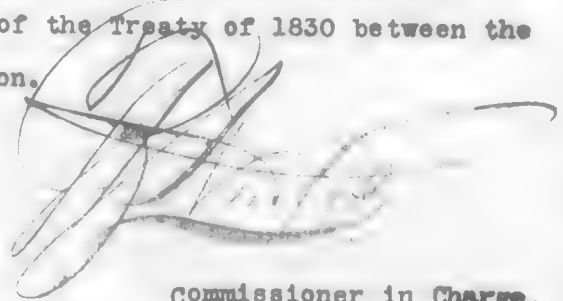
Maysville, Arkansas.

You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your husband and children are entitled to be identified as Mississippi Choctaws under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

L. B., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you, your husband and children, are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830 between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the affidavit.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 14, 1908.

---Q---

In the matter of the application of Lizzie Brown for the identification of herself and her three minor children Jesse, Vada and Bessie Brown as Mississippi Choctaws.

---Q---

Lizzie Brown being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lizzie Brown.
Q How old are you? A Fifty four.
Q How much Choctaw blood do you claim to have? A One sixteenth (Prompted by her son).
Q What's your post office address? A Kiowa.
Q Indian Territory? A Yes sir.
Q How long have you lived in the Choctaw Nation? A Two years.
Q Where did you live before that? A Cherokee Nation.
Q How long did you live there? A Two years.
Q Where did you live before that? A You are going to ask me a hard question; I lived in the states most of the time; in the state of Arkansas in Washington County.
Q Where were you born? A In Mississippi.
Q What county? A Tishomingo.
Q How long did you live there? A I was brought away when I was a child about two or three years old.
Q You came from there to Arkansas did you? A Yes sir, Springdale.
Q Is your father living? A No sir.
Q What was his name? A Downum.
Q His given name? A Lee Downum.
Q Did he have another name besides Lee? A James.
Q Is your mother living? A No.
Q What was her name? A Lucinda.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q Your mother was a Choctaw? A Yes sir.
Q How much Choctaw blood did your mother have? A I dont know.
Q How old would your mother be if she were living now?
A Seventy two.
Q Where was your mother born? A Mississippi.
Q In what county? A I dont know.
Q Do you know how long she lived in Mississippi? A No.
Q Do you know in what month in the year she was born? A No.
Q She is past seventy two now; she would be past seventy two now? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood? A Her father.
Q What was his name? A Vinson.
Q His given name? A James Vinson.
Q That was Lucinda's father? A Yes sir.
Q Did you ever see James Vinson? A Yes sir.
Q Do you know how much Choctaw blood he had? A I will say I dont know.
Q Where was he born? A I dont know.

Lissie Brown--2.

- Q How long did he live in the state of Mississippi? A An I allowed to tell what my mother told me?
- Q Yes. A He lived there and died there.
- Q In what year did he die? A I dont know; eighty four is what I understand; I just remember from my sister; she's older than I am.
- Q Do you know the name of your mother's mother? A Nanny.
- Q She had no Choctaw blood did she? A No sir.
- Q Do you know whether she and James Vincon were lawfully married? A My mother told me they were.
- Q How long did they live together as husband and wife? A I dont know.
- Q Do you have any idea? A My mother said she was sixteen years old when she was married -- my grandmother was and you can tell how long.
- Q Did they live together until the death of one of them? A Yes. Yes; we got a letter that he had to handle her like a baby; she was paralyzed.
- Q How many children were born to them? A I think seven.

It will be well for you to furnish the Commission with evidence of the marriage of your mother's father and mother if possible; you will be allowed a period of fifteen days from today within which to furnish such evidence.

- A The marriage evidence?
- Q Yes. A Of my grand father?
- Q Yes of your mother's father and mother.
- Q Do you know the name of James Vincon's parents his father and mother? A Switcher is the name of his father and mother; I think it was Switcher; I've got it mixed; it was either his mother's name or somebody's, for I've heard my mother talk of grandmother Switcher.
- Q James Vincon's father's name must have been Vincon? A Yes it was his mother.
- Q Which one of James parents had the Choctaw blood? A Vincon.
- Q Do you know James' father's given name? A No I dont.
- Q Did your mother ever have any brothers or sisters older than she? A Yes sir; she had three I think.
- Q Your mother was never recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A John Brown is his name.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him? A Dont make any at all.
- Q Have you any children who are under age and unmarried? A Yes sir; I have three.
- Q What are their names and ages? A The oldest is Jesse Brown.
- Q Boy or girl? A Boy.
- Q How old? A Nineteen.
- Q The next one? A Vada Brown. Two years between her and Jesse. Seventeen.
- Q How do you spell Vada? A V-a-d-a; I got it right here on that old fan.
- Q V-a-d-a. The next one? A Bessie, two years between them.
- Q She's fifteen then? A Yes sir.
- Q Is Ethel of age? A Yes sir; no she aint of age; she aint twenty- she's married though.

Lizzie Brown—3.

- Q Then you cant make application for her; she will have to appear for herself.
- Q This application is for yourself and three minor children is it? A Yes sir.
- Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not outside of this house.
- Q I am talking about the tribal rolls; those lists of the members of the Choctaw tribe prepared by the authorities of the tribe? A No.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe; now that's the Indian authorities down in the nation; they are the Choctaw tribal authorities; did you ever make application to them? A No.
- Q Did you or any one for you in the year 1896; that's about six years ago make application to this Commission for citizenship under the act of Congress approved June 10 1896? A No.
- Q Has any application of any description ever been made before today for you or anyone of these minor children for the purpose of establishing your rights as Choctaw Indians?
- A Two years ago.
- Q Where? A Here.
- Q To this Commission? A Yes.
- Q Who appeared in your behalf at that time? A Needles.
- Q Who appeared here to give in your names two years ago.
- A I did myself.

The records of the Commission show that on the eighth day of March 1896 application was made to this Commission at Muskogee Indian Territory for the enrollment of Lizzie Brown, her seven children, Sis, Eddie, James, Jessy, Ethel, Vady, and Bessie as citizens by blood of the Choctaw nation and her husband John Brown as a citizen of the Choctaw Nation. ---

- A No I didn't do that-----!

--- the names appearing on Choctaw card field number R 416.

- Q I have called over the names of several members of your family have I not? A Yes sir but---
- Q Did you ever have a daughter by the name of Sis. A No.
- Q How do you account for the name of a child bearing the name of Sis appearing upon this card? A I dont know how it came.
- Q You are sure you didn't give in the name of a child by that name? A NO!
- Q Did you ever go by the name of Sis yourself? A Yes sir I go by the name of Sis all the time.
- Q You have a son Eddie have you? A No a daughter Eddie.
- Q About how old is that daughter? A Twenty four years old.
- Q Have you a son, James? A Yes sir.
- Q Have you a daughter Jessy? A I got a son Jesse. Well, I never saw such a mess!
- Q About how old is that son? A Nineteen.
- Q He's the son whose name you have given in here today?
- A Yes sir.
- Q Did you make application for your husband when he was here before? A No sir.
- Q Who heard your application when you were here before? A Needles and a girl.

Lind o Brown--4.

- Q This application made two years ago is the only application of any kind that has ever been made for you and your family? A Yes sir that's the only one.
- Q You desire at this time to make application for the identification of yourself and three minor children as Mississippi Choctaws? A Yes sir.
- Q Now you desire do you to have the record in the matter of the application made by you two years ago transferred and considered in the determination of your rights as a Mississippi Choctaw. Do you? A Yes sir.
- Q Do you desire to withdraw any application which you may have heretofore made in behalf of your husband who is possessed of no Choctaw blood? A That's what I want done.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on September twenty seventh eighteen hundred and thirty between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in the state of Mississippi and in Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old nation and not move out west might receive land back there from the government.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

- Q Do you think you understand that fourteenth article? A I don't know; I've got it fixed in my mind that if he stayed there - lived and died there - is that hit?
- Q No I'm not talking about your relatives yet; I'm just tel-

Lizzie Brown--5.

Quoting to you the fourteenth article of the treaty of Dancing Rabbit Creek as it was entered into in 1830 between the government of the United States and the Indians. I expect later to ask you some questions as to whether your people complied with its provisions; what I want to know now is whether you understand the provisions of that fourteenth article. If you don't I will be glad to explain them to you. A I don't know that I just exactly understand it.

In case a Choctaw who might have been living back in the old nation seventy two years ago when this treaty was made decided that he wanted to stay back in Mississippi and Alabama and not move to the new Nation he had the right to stay and become a citizen of the states under this fourteenth article and was entitled to receive land back there from the government upon certain conditions; first he was required to let the agent of the government in Mississippi at that time for the Choctaws know within six months after this treaty of Dancing Rabbit Creek was ratified - the treaty was ratified February 24, 1831, he must let this agent know within six months from February 24, 1831 that he wanted to stay there and become a citizen of the states and take land and not move out west; he was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each unmarried child which was living with him over ten years of age when the treaty was made and for each child under ten years of age when the treaty was made he was entitled to a quarter section, the reservations so made for these children were required by the terms of the fourteenth article to adjoin the location of the parent and the reservations so made down in Mississippi were required in each and every instance to include the improvement of the head of the family as it existed on the 24th day of February 1831 the day the treaty was ratified; now if these Indians lived on this land intending to become citizens of the states for five years from February 24, 1831, they were entitled to a grant in fee simple for the land; that is the government would issue them a deed or patent to the land and it would become the property of the Indian to dispose of at his own pleasure. The last clause of that fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is, persons who stayed there in Mississippi and took land under that fourteenth article should not by reason of their having done so lose the privilege of a Choctaw citizen but if they ever removed to this new nation here they would not be entitled to any portion of the Choctaw annuity; Choctaw annuity is money which is paid by or becomes due each year to the Choctaw Indians from the government of the United States under treaty provisions.

Lizzie Brown--6.

- Q Do you think now you understand that fourteenth article?
A I think I do.
Q Did any of your forefathers or ancestors own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I dont know.
Q Do you know whether any of them lived there then? A Whether any of them lived ther of
Q Yes seventy two years ago? A Grandfather lived and died there and was born there.
Q You think he was living in the old Nation in 1830 when the treaty was made? A I know he was because he never moved away.
Q Did he have a Choctaw Name? A James Vincon; I dont know how it was; they all called him old Indian Jim.
Q He went by the name of Indian Jim? A Yes sir.
Q Do you know where he was living when your mother was born?
A No I dont know; no I wont say; I cant for certain.
Q Have you ever heard where he was living? A Seems to me like it was in North Carolina; it seems that way.
Q Then he was living back there at the time of the birth of your mother? A I dont know for certain; it seems that way.
Q You have heard that in the family? A I cant say for certain
Q Did you ever hear of this man Jim Vincon being possessed of any Cherokee blood? A No I dont know a thing about that. I never heard that he had a bit of Cherokee blood. I dont know nothing about that; dont know anything about that; never heard anything said about the Cherokees.
Q But you have always heard he had Choctaw blood? A Well that's what they always claimed to. Claimed the Mississippi, that that was the kind.
Q Do you know whether any of your ancestors within six months after this treaty of Dancing Rabbit Creek was made let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land? A I dont know anything about it.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I dont know.
Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I dont know.
Q Did you ever hear of any of your people ever having gotten any land from the government? A No; not that I know of. I dont know nothing about that.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know they wanted to stay and become citizens of the states and take land, and on this account the government at its public land sales in Mississip-

Lissie Brown--7.

pi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these Commissioners were duly appointed by the President and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I dont know nothing about it.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi or in Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I dont know nothing about that.
- Q Did you ever hear of any of your people ever having received any land or money or scrip from the government of the United States under this treaty provision? A No.
- Q So far as you knew then none of your ancestors ever received any benefits whatever as Choctaws? A No I dont know.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when the treaty of Dancing Rabbit Creek was made? A No I dont know.
- Q Do you know of any old persons living who would likely know whether your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits there under? A No I dont.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts.
- A No I dont.
- Q Any deeds or patents? A No.
- Q Have you any written evidence of any description to offer at this time in support of your application - deeds or patents, affidavits or papers of any kind? A No, I haven't.
- Q Have you any witnesses here today to testify in your behalf? A I thought there was one but I dont know whether you have got them here or not.

Lissie Brown--8.

- Q We dont keep witnesses on hand here all the time; you mean affidavits? A I thought I had some here.
Q You will get the benefit of this written evidence, affidavits statements of any kind which may have been filed in connection with your application made in 1900.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from today and their testimony will be taken or if you should find any written evidence of any kind which you desire to offer in support of your application such proper written evidence as may be offered within fifteen days will receive the consideration of the Commission in the determination of your rights.

- Q Are there any further statements you want to make? A No I dont know of anything else.
Q Have you any brothers living? A I have three brothers living
Q What are their names? A Wiley Downum.
Q The next one? A James A. Downum.
Q The next one? A William Alexander Downum.
Q They have appeared before the Commission have they ? A Yes sir.

Special reference is hereby made to M.C.R. 8565 William A Downum et al., the applicants in said case and the applicant in this case being the descendants of a common Choctaw ancestor.

- Q Have you any sisters living? A One sister.
Q What's her name? A Missie Dodson. M.C. Dodson is the way she signs it.
Q Has she been before this Commission? A Yes sir.
Q When? A In May.
Q This year? A Yes sir.
Q Have you any brothers dead? A No sir I got two sisters dead
Q Did either of these sisters leave children? A Yes sir.
Q Which one? A One left two and the other left one.
Q What was the name of the sister who left two children?
A Nancy Killebrew.
Q Are both these children living now? A They are both down in Texas.
Q What are their names? A Lissie and Martha.
Q Are they married either one? A Neither one.
Q What was the name of your other sister who left one child?
A Lee.
Q Given name? A Annie Lee.
Q Was that child living? A Yes sir.
Q What's its name? A Arizona.
Q Was any application ever been made to this commission in behalf of that child? A No not that I know of unless they have made it since I saw them last; the Killebrews have but the others haven't.
Q Did your mother ever have any brother or sisters who left children? A Yes sir.
Q She had two brothers I believe you said? A Yes sir; did have two brothers.
Q Did they leave children? A The brothers are dead and the children's dead too.

Lissie Brown--9.

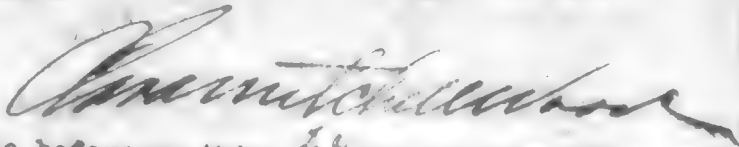
- Q Both brothers are dead? A Yes sir.
Q What are the names of your mother's brothers? A James and Jesse Vincon.
Q Did James Vincon leave any children? A Yes sir.
Q How many? A I believe it's four.
Q Are any of them living at this time? A I think they are.
Q What are the names of those four children? A One of them's Charles Vincon.
Q The next one? A Alex I believe.
Q The next one? A I dont know whether I can give its name or not.
Q How the next one? A Then youngest ones I dont know.
Q Did Jesse leave any children? A He left one; its dead though its name was Priscilla.
Q Did she die in infancy? A She was about twelve years old when she died; his widow's dead too.
Q You dont speak or understand the Choctaw language do you?
A No sir.
Q Are there any further statements you want to make? A No sir

---0---

This applicant has the appearance of being a white woman; shows no indication of being possessed of Indian blood; has dark hair, rather dark complexion, dark eyes, does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



Subscribed and sworn to before me this 14 day of July 1902.

Luy L. V. Emerson
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the Application of Lizzie Brown, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Lizzie Brown, et al.,	M.C.R. 6056
Etta Brown,	M.C.R. 6057
James A. Brown,	M.C.R. 6059
Ethel Johnston,	M.C.R. 6058
Lurany Dodson, et al.,	M.C.R. 6564
Nancy Pearl Cooper, et al.,	M.C.R. 6590
Wiley L. Downum, et al.,	M.C.R. 6589
James Sidney Downum, et al.,	M.C.R. 6570
William A. Downum, et al.,	M.C.R. 6566
Elizabeth Killebrew, et al.,	M.C.R. 6566

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Lizzie Brown for herself and her three minor children, Jesse, Vada and Bessie Brown; by Etta Brown for herself; by James A. Brown for himself; by Ethel Johnston for herself; by Lurany Dodson for herself and her two minor children, James Andrew Jackson and Emery A. Lee; by Nancy Pearl Cooper for herself and her minor child, Georgie B. Cooper; by Wiley L. Downum for himself, his eight children, Belle Buckner (nee Downum), Jesse Downum, Ollie Lewis (nee Downum) and Charlie, Lee, Lark, Henry and Myrtie Downum, and his three minor grandchildren Julia, Eliza and Cleora Buckner; by James Sidney Downum for himself and his four minor children,

Lulu, Ellen, Gurtie and Herval Downum; by William A. Downum for himself and his four minor children, Johnnie Lee, Una K., Winn and Maud Minnie Downum; and by Elizabeth Killebrew for herself and her minor sister, Bertha Killebrew, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Becky (or Becca) Vincon, (or Vinson or Vincen), nee Switcher, who is alleged to have been an one-half or a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or

attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Becky (or Becca) Vinson (or Vinson or Vinsen), nee Switcher, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 28, 1842 (8 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Brown, Jesse Brown, Vada Brown, Beanie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Bedson, James Andrew Jackson Lee, Nandy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner (nee Downum), Jesse Downum, Ollie Lewis, (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cicero Buckner, James Sidney Downum, Iulu Downum, Ellen Downum, Gurtie Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Maud Minnie Downum, Elizabeth Killebrew and Bertha Killebrew as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED,

James Dixby.

Acting Chairman.

SIGNED,

T. D. Needles.

Commissioner.

SIGNED,

C. R. Brackinridge.

Commissioner.

Muskogee, Indian Territory

JAN 27 1908

Muskogee, Indian Territory, February 1, 1901.

M. G. Dotson,

Springdale, Arkansas.

Dear Sir:

The Commission is in receipt of your letter of the 18th ultimo in which you state that you appeared in person before Commissioner Needles at Muskogee, Indian Territory, with your sister and brother and were enrolled on or about the 15th of February last. That Jim, Alex and Will Downum, your sister and yourself appeared in person. It seems that this letter was in reply to the letter of the Commission informing you of our inability to identify you as having made application or having been listed as a citizen of the Choctaw nation.

In your original letter of January 5th addressed to the Commission, you make inquiry as to whether you are too late to have your right in the Choctaw nation, claiming that you enrolled on February 15th, 1900 but on account of sickness that you have never moved into the Choctaw country and settled on your claim. That the rest of your people have settled on their claims within the proper time.

The Commission after much trouble is of the opinion that it has located the people concerning whom you inquire as applicants who appeared before the Commission at Muskogee, Indian Territory in the latter part of February, 1900. On February 24th, James M. Downum 40 years of age, whose residence was given as Springdale,

N C D 2

Arkansas, appeared before the Commission and made application for the enrollment of himself, his wife, Wiley and his children Iula, Gertie, Ella, and Berne Deanna as citizens of the Choctaw Nation.

After hearing his testimony at that time, Commissioner Needles rendered a decision refusing the application of these parties for enrollment as citizens of the Choctaw Nation.

It also appears that on March 8th, 1900, Lizzie Brown, 52 years of age, appeared before the Commission at its office in Muskogee, Indian Territory and made application for the enrollment of herself and her husband John Brown and her children, Eddie, James, Jessie, Ethel, Fady and Wessie Brown as citizens of the Choctaw Nation. Commissioner Needles on the part of the Commission after hearing the testimony in this case rendered the following decision:

"As you are not upon any of the Choctaw rolls, and are not a resident of the Choctaw Nation, and have not been admitted to citizenship by the Dawes Commission nor by the United States Court, nor any of the authorities of the Choctaw Nation this Commission has no jurisdiction in your case, and your application will be refused."

Our records further show that on March 8th, 1900, at Muskogee, Indian Territory, Lurany Dodson, 55 years of age, of Springdale, Arkansas, appeared before the Commission and made application for the enrollment of herself and her children James Andrew Jackson and Emory Arthur Lee as citizens of the Choctaw Nation and Commissioner Needles on the part of the Commission after hearing the testimony in this case rendered the following decision:

"As you are not upon any of the Choctaw rolls, and are not a resident of the Choctaw Nation, and have not been admitted to citizenship by the Dawes Commission or the United States Court, or any of the tribal authorities, this Commission has no jurisdiction in your case, and your application will be refused."

N C D 3

Our records further show that on February 24th, 1900, William Alexander Downum, 38 years of age, of Springdale, Arkansas, appeared before the Commission and made application for the enrollment of himself, his wife Dora Downum and his children John, Una and Nina Downum as citizens of the Cheateau Nation. Commissioner Needles on the part of the Commission after hearing the testimony in this case refused the application for the enrollment of the interested parties.

This is all the record the Commission has of any parties by these names and has no record of any person by the name of N. C. Dotson. The applicants above referred to have been refused and rejected by the Commission and we can furnish you with no more definite information in regard to your rights.

If you desire to make an application for enrollment it will be necessary for you to appear in person before the Commission at its office in Muskogee.

Yours truly,

Acting Chairman.

7-R-415

7-R-416

7-R-417

7-R-429

COPY.

M.C.R. 6056

Muskogee, Indian Territory, January 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlistar, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Brown, et al.	M.C.R. 6056
Etta Brown	M.C.R. 6057
James A. Brown	M.C.R. 6059
Ethel Johnston	M.C.R. 6058
Lurany Dodson, et al.	M.C.R. 5564
Nancy Pearl Cooper, et al.	M.C.R. 5590
Wiley L. Downum, et al.	M.C.R. 5589
James Sidney Downum, et al.	M.C.R. 5570
William A. Downum, et al.	M.C.R. 5565
Elizabeth Killebrew, et al.	M.C.R. 5566

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner (nee Downum), Jesse Downum,

M. MOM. & C.,—2

Ollie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Elisa Buckner, Cicero Buckner, James Sidney Downum, Lulu Downum, Ellen Downum, Gertie Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Maud Minnie Downum, Elizabeth Killebrew and Bertha Killebrew as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

Acting Chairman.

M.C.R. 8056

COPY.

Auskogee, Indian Territory, January 27, 1908.

Lizzie Brown,

Kiowa, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Brown, et al.	M.C.R. 8056
Etta Brown	M.C.R. 8057
James A. Brown	M.C.R. 8058
Ethel Johnston	M.C.R. 8059
Lurany Dodson, et al.	M.C.R. 8564
Nancy Pearl Cooper, et al.	M.C.R. 8590
Wiley L. Downum, et al.	M.C.R. 8589
James Sidney Downum, et al.	M.C.R. 8570
William A. Downum, et al.	M.C.R. 8568
Elizabeth Killebrew, et al.	M.C.R. 8566

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twentieth, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Lizzie Brown,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Dedson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner (nee Downum) Jesse Downum, Ollie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtie Downum, Julia Buckner, Eliza Buckner, Cicero Buckner, James Sidney Downum, Lulu Downum, Ellen Downum, Curtie Downum, Nerval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Maud Minnie Downum, Elizabeth Killebrew and Bertha Killebrew as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. G. V.

James G. V.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lizzie Brown, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 27, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Lizzie Brown, et al.,	M.C.R. 6056
Etta Brown,	M.C.R. 6057
James A. Brown,	M.C.R. 6058
Ethel Johnston,	M.C.R. 6058
Lurany Dedson, et al.,	M.C.R. 5564
Nancy Pearl Cooper, et al.,	M.C.R. 5590
Wiley L. Downum, et al.,	M.C.R. 5589
James Sidney Downum, et al.,	M.C.R. 5590
William A. Downum, et al.,	M.C.R. 5565
Elizabeth Killebrew, et al.,	M.C.R. 5566.

The Commission has the honor to report that the principal applicants herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Dixie

Through the
Commissioner of Indian Affairs.

Acting Chairman.

2 inclosures: M.C.R. 6056.

Land.
24436-1903.

C O P Y

Department of the Interior,
Office of Indian Affairs,
Washington, April 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the decision of the Commission to the Five Civilized Tribes rejecting the applications of Lizzie Brown, et al., for identification as Mississippi Choctaws, the approval of which decision was recommended in Office report of March 20, 1903, I have the honor to state, in response to Department letter of the 15th instant (ITD, 3108-1903) that the names of Lucinda Downum, James Vincon (or Vinson, or Vincen) Jr., and James Vincon Sr., respectively the mother, grand-father and great-grandfather of the principal applicant, Lizzie Brown, are not found in the list on file in this office of those persons who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or presented claims to rights thereunder in conformity, with the Acts of March 3, 1837 and August 23, 1842 (5 Stats., 180-513) .

Such being the case, the recommendation contained in said Office report, that the decision of the Commission rejecting the applicants be approved, is respectfully renewed. The papers in the case are herewith returned.

Very respectfully,
A.C. Tonner,

Acting Commissioner.

M.B.F. (F)

Land.

11107-1903.

Department of the Interior,
Office of Indian Affairs,

Washington, March 20, 1903.

Copy

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons wherein a decision adverse to the applicants was rendered by the Commission on January 27, 1903--

Lizzie Brown for herself and her three minor children, Jesse, Vada and Bessie Brown; Etta Brown; James A. Brown; Ethel Johnston; Lureny Dodson, for herself and her minor children, James Andrew Jackson and Emery A. Lee; Nancy Pearl Cooper for herself and her minor child, Georgie S. Cooper; Wiley L. Downum, for himself and his eight children, Belle Buckner (nee Downum), Jesse Downum, Ollie Lewis (nee Downum) and Charlie, Lee, Lark Henry and Myrtle Downum, and his three minor grandchildren, Julia, Eliza and Cicero Buckner; James Sidney Downum, for himself and his four minor children Lulu, Ellen, Gurtie and Norval Downum; William A. Downum for himself and his four minor children, Johnnie Lee, Una E., Nina and Maud Minnie Downum; Elizabeth Killebrew for herself and her minor sister Bertha Killebrew.

An examination of the evidence in this case shows that

Becky (or Becca) Vincon (or Vincen), nee Switcher, is the Choctaw ancestor through whom these applicants claim identification and it is alleged that said ancestor was a citizen of the Choctaw Nation and a resident of Alabama or Mississippi in 1830.

In the decision of the Commission rejecting these applicants, it is stated that the records of the Commission do not show that Becky (or Becca) Vincen (or Vinson or Vincen) nee Switcher, or ancestors less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office shows that the said Becky (or Becca) Vincon (or Vinson or Vincen), nee Switcher, is not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

SGD A.C.Tonner,

Actg. Commissioner.

E.B.F. H'r.

D.C. 13528

C O P Y
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

J.W.H.
FHE.

I.T.D. 3108-1903.
3916- "

May 5, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory

Gentlemen:

February 12, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Lizzie Brown (M.C.R. 6056) Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Emory A. Lee, Lurany Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, George S. Cooper, Wiley L. Downum, Belle Buckner (nee Downum, Jesse Downum, Ollie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cidero Buckner, James Sidney Downum, Lula Downum, Ellen Downum, Gurtis Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Maud Minnie Downum, Elizabeth Killebrew, and Bertha Killebrew, including your decision of January 27, 1903, refusing to identify them as such.

It seems that the principal applicant in this case, Lizzie Brown, obtained her Choctaw blood from her mother, Lucinda Downum, who was born in 1830 in Mississippi. The latter obtained her Choctaw blood from her father, James Vinson (or Vinson or Vincen) Jr., a one-fourth blood Choctaw, who was the son of James Vinson Sr., and Rebecca Switcher. The latter was an one-half blood Choctaw woman.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or

-2-

attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 20 and April 18, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. Copies of his letter are inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

THOS. RYAN.

Acting Secretary.

2 inclosures/

COPY.

M.C.R. 6056

Muskogee, Indian Territory, May 14, 1903.

Lissie Brown,

Kiowa, Indian Territory.

Dear Madam:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lissie Brown, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

Tamie Bixby.
Chairman.

COPY

M.C.N. 6086

Muskogee, Indian Territory, May 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lissie Brown, et al., of which decision you were advised by mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

Tamr Bixby.
Chairman.

M C R 6056

Muskogee, Indian Territory, May 18, 1906.

W. T. Culbertson,

Kiowa, Indian Territory.

Dear Sir:

Replying to your letter of the 15th instant, you are informed that on May 5, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of January 27, 1903, refusing to identify as Mississippi Choctaws the several persons in the consolidated Mississippi Choctaw case of Lizzie Brown, et al. The applicants in said case claimed their right to identification through Becky (or Becca) Vincon, (or Vincon or Vincen), nee Switcher, who is alleged to have been an one-half or full blood Indian.

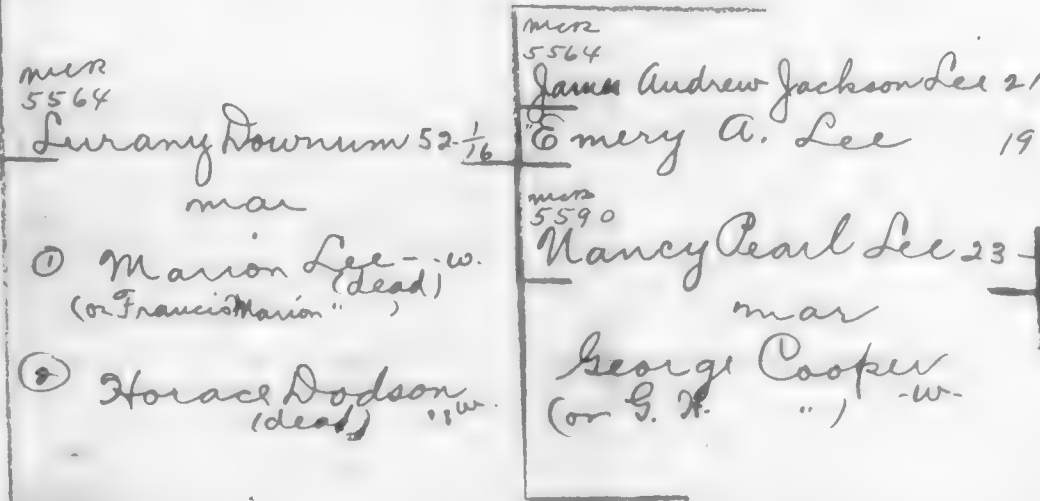
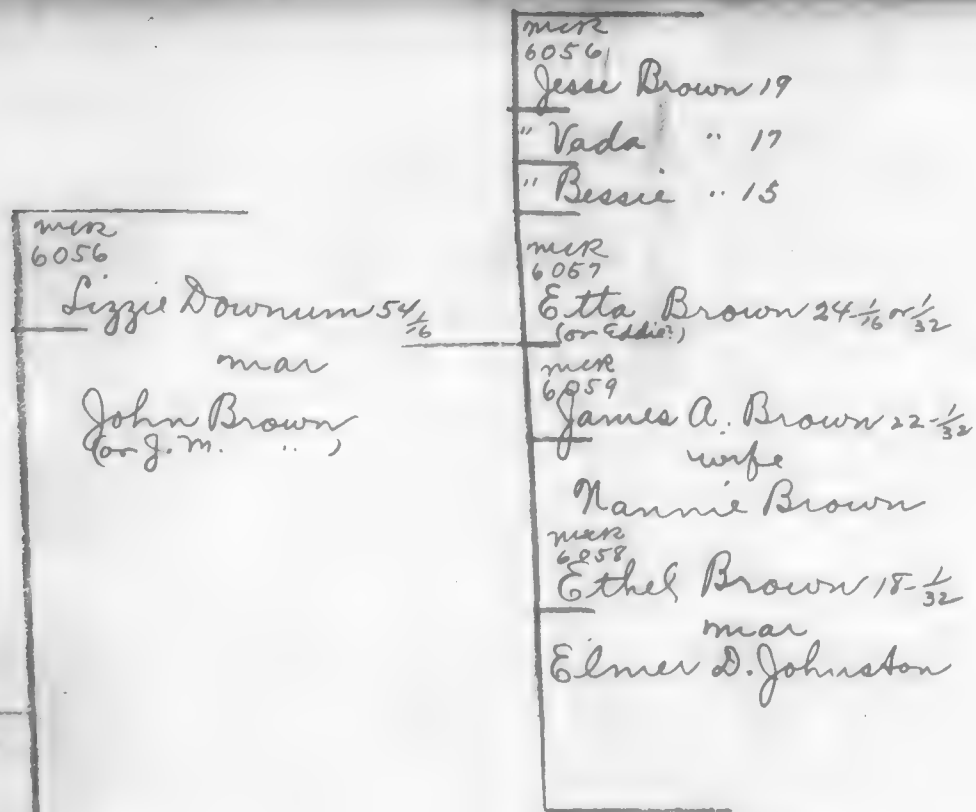
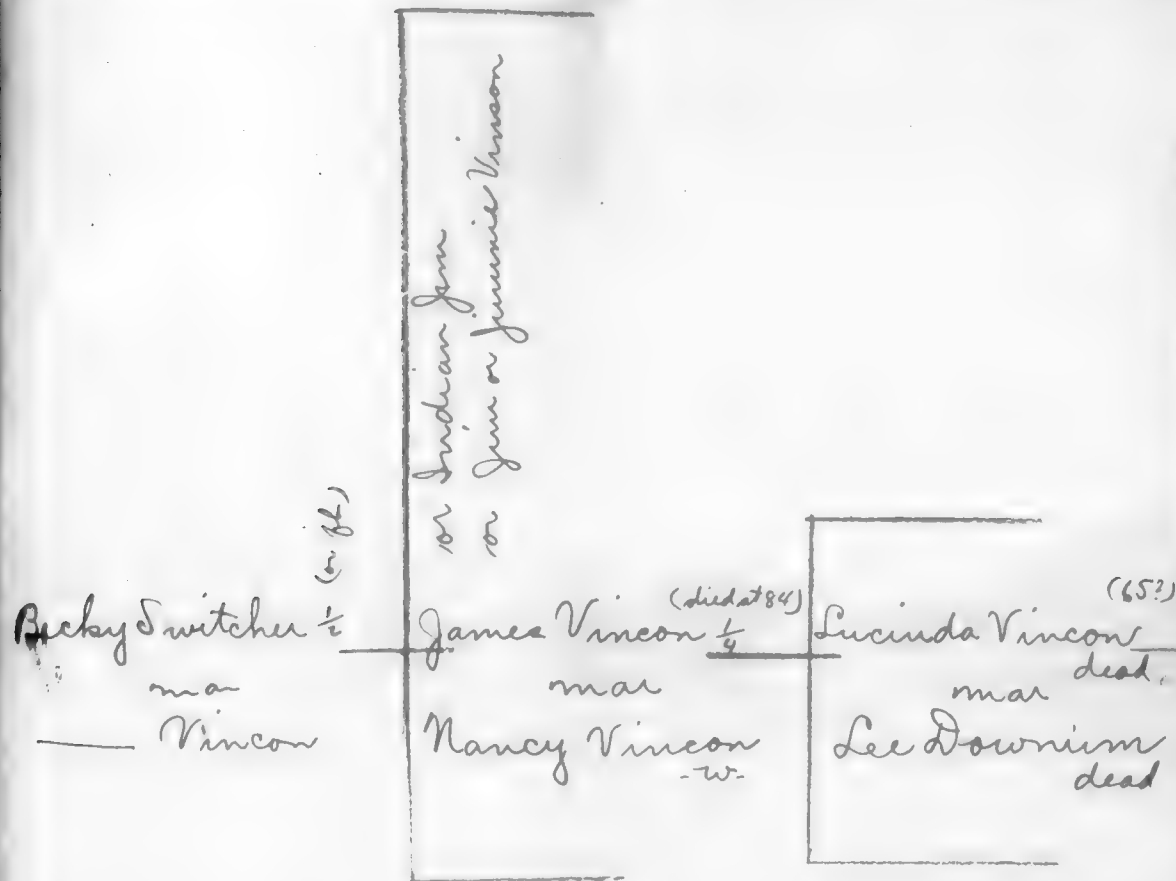
The case is now considered closed, and this office has no authority to take any further action therein.

Respectfully,

Acting Commissioner.

Consolidated Case
of
Lizzie Brown et al

REFER TO M. C. R. 6056



mer
 5590
 George Cooper
 2

Lucinda Vincon
Cont'd

Lucinda Vincon
dead
mar
Lee Downum
dead

mar
5589

Wiley L. Downum 48- $\frac{1}{16}$
wife
Melissa Downum
(or Malissa ..) - w.

mar
5570

James Sidney Downum 44- $\frac{1}{16}$
mar
Millie Ramsey
- w.

mar
5565

William A. Downum 40- $\frac{1}{16}$
mar
Dora Steinberg
- w.

mar
5589

Belle Downum 24

mar
William Buckner
- w.

5589

Jesse Downum 21

" Ollie Downum 19

mar
Wiley Lewis

" Charlie Downum 17

" Lee Downum 14

" Lark Downum 13

" Henry Downum 7

" Myrtie Downum 6

mar
5589

Julia Buckner 6

" Eliza " 4

" Cicero " 2

mar
5570

Lulu Downum 13

" Ellen Downum 9

" Surtie Downum 8

" Norval Downum 6

mar
5565

Johnnie Lee Downum 10

" Una E. Downum 8

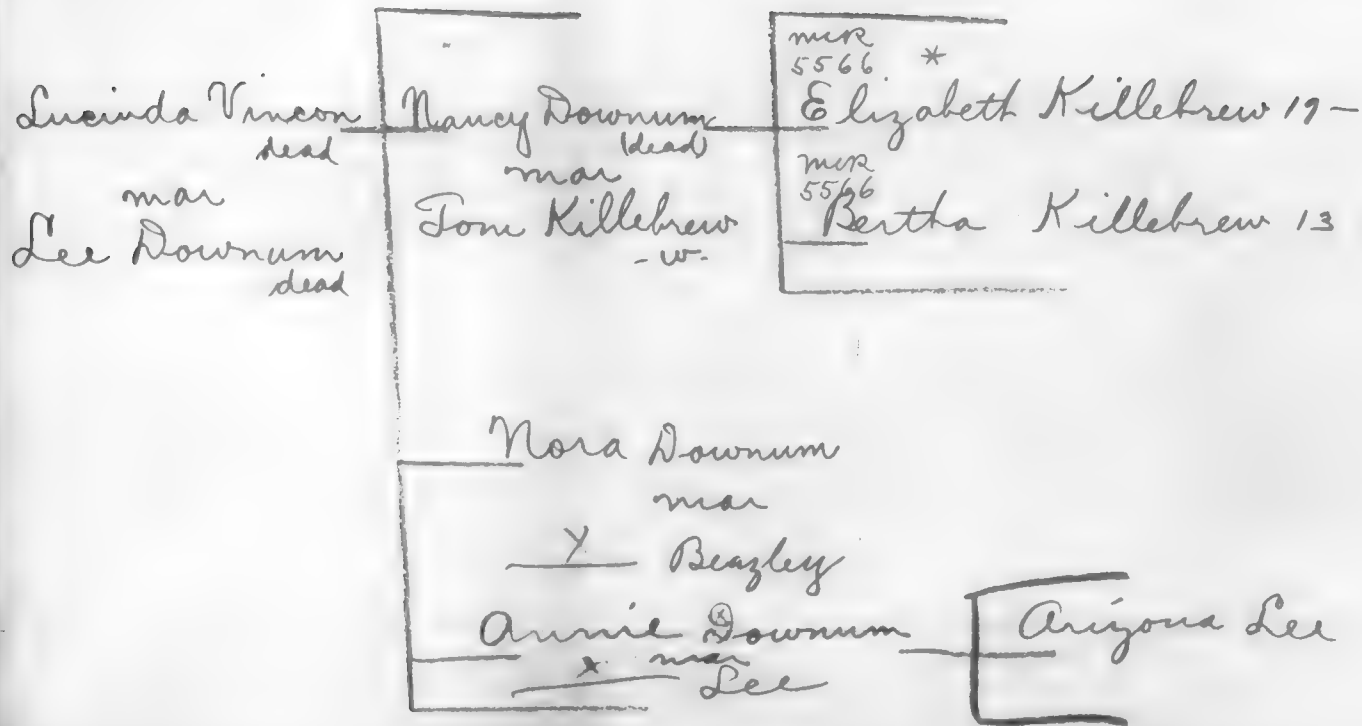
" Nina Downum 5

" Maud Minnie Downum 1

Lucinda Vincon
Cont'd

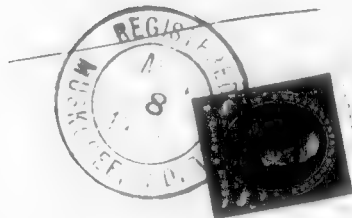
3

* See affidavit in this case for





R. W.
Apr. 24 1902.
Maysville



Lizzie Brown,

Maysville, Arkansa_s.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

3523

~~3973~~

For Identification as a Mississippi Choctaw.

Date JUL 14 1902
 Name Lizzie Brown

Age 54 Blood 1/16

Post-Office, Nowa, I.T.

Father: James Lee Downum d

Mother: Lucinda " d

Claims through mother
 husband John Brown L

No claim for husband
 I have 3 children.

Children:

Jesse Brown M 19

Vada " F 17

Bessie " F 15

Stenographer

Clara M. Wood

Choctaw MCR 6057

Etta Brown

See MCR 6056

MCR 6057

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 14, 1902.

the matter of the application of Etta Brown for
recognition as a Mississippi Choctaw.

was being first duly sworn testified as follows:

Examination by the Commission:

Q Is your name? A Etta Brown.
Q Are you married? A No sir.
Q How old are you? A Twenty four.
Q How much Choctaw blood have you? A About one sixteenth
thirty second. One way or the other; I dont know just
I'm a sixteenth or a thirty second one.
Q What is your post office address? A Kiowa, I.T.
Q How long have you lived at Kiowa? A Two years.
Q Did you live before that? A Lived in the Cherokee
Nation.
Q How long? A About two years.
Q Where did you live before that? A In Arkansas
Q How long? A Lived in Arkansas -- I was born in Arkansas
lived there up until about pretty near five years
ago.
Q How did you come to the Territory? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A John Brown or J.M. Brown is the way he
calls it.
Q Is your mother living? A Yes sir.
Q What is her name? A Lizzie Brown.
Q Through which one of your parents do you get your Choctaw
blood? A My mother.
Q How did Lizzie Brown who appeared before the Commission here
this morning your mother? A Yes sir.
Q Through which one of her parents did your mother get her
Choctaw blood? A Her mother.
Q What was her name? A Lucinda Downum.
Q Through which one of her parents did Lucinda get her
Choctaw blood? A Her father.
Q What was his name? A James Vincen, or Jim Vinton.
Q Through which one of his parents did he get his Choctaw blood?
Q Do you know? A I dont know but I've heard people say it
came from his mother.
Q Do you know what his mother's name was? A Becky Switcher.
Q Have you ever seen them and dont know anything about them but
heard people say.
Q How much Choctaw blood did Becky have? A I think she was
half breed or full blood one I dont know which.
Q Do you know the names of her parents? A No sir.
Q Did your mother ever recognized in any manner or enrolled
as a member of the Choctaw tribe in Indian Territory?
Q Only in 1900; to the Dawes Commission two years ago.
Q Was she never enrolled by the tribal authorities in the
Choctaw Nation? A No sir.
Q Were you ever married? A No sir.
Q Have you ever been married? A No sir.

Etta Brown--2.

- Q This application is for yourself only then? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No it never was; I don't think it is.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir not only two years ago.
- Q This Commission is not tribal authorities, it's United States authority. You never made application to the Indian authority?
- A No sir.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896?
- A No sir.
- Q Your mother made application to this Commission in your behalf at Muskogee on the 8th day of March 1900 did she not?
- A Yes sir.
- Q That's the only application of any kind that has ever been made for you to establish your rights as a Choctaw? A Yes sir.
- Q The records of the Commission show that on the 8th day of March 1900 Lizzie Brown appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of herself, seven minor children and her husband as citizens of the Choctaw Nation; among the names of her children for whom application was made at that time appears the name Eddie on Choctaw card R 416, notation on said card showing said child to be a son and to have been at the time application was made in his behalf twenty two years of age.
- Q You never had a brother by the name of Eddie did you?
- A No sir.
- Q Are you the oldest one of your mother's children? A Yes sir.
- Q What's the name of the child next to you? A Jim.
- Q Your brother? A Yes sir.
- Q You must be the persons whose name appears upon our records as Eddie, aren't you? A Yes sir.
- Q You were twenty two years of age, two years ago? A Yes sir.
- Q Do you desire at this time to make application for identification as a Mississippi Choctaw, claiming rights in the Choctaw lands in Indian Territory under the fourteenth article of the treaty of Dancing Rabbit Creek, is that what you are here for today? A Yes sir.
- Q Do you desire the record in the matter of the application made in your behalf by your mother in March 1900 to this Commission transferred and considered in connection with the application which you now make for identification as a Mississippi Choctaw? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory.

Fitz Brown--3.

At the time this treaty was made some of those Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain back there what is known as article fourteen was put into the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living within over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee and title shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A Yes sir.
- Q Did any of your ancestors live in the old Nation back in Mississippi and Alabama in 1830 when this treaty was made?
- A Why they tell me they did, my mother and grand mother - I heard them say that they did.
- Q Which one of your Choctaw ancestors lived there at that time? A Grandpa Vincent.
- Q James Vincent? A Yes sir.
- Q Did you ever hear where he lived? A Tishomingo County, Iowa.
- Q Do you know whether he owned an improvement there at that time? A No sir I dont.
- Q Do you know whether he or any of your Choctaw ancestors within six months after this treaty of panchoing Rabbit Creek was made let the agent of the government in Mississippi for the Choctaws knew they wanted to stay in Mississippi become citizens of the states and take land? A No sir I dont but I dont think they did.
- Q What makes you think they did not. A Because there was a letter that come to Grandma pawnum saying that he died in the poor house.
- Q That's the reason you have for thinking he didn't get land back there? A Yes sir.
- Q That's the only reason you have for thinking that is it?
- A Why there was a letter wrote - my cousin wrote to the county clerk of Tishomingo County - what used to be Tishomingo - that county is divided now and he lived in what is now the new county and that county clerk wrote back to him and told him that all the old papers were sent over to that new county; the old county of Tishomingo had been divided and he got that man's address and he wrote to him and paid him

Etta Brown--4.

two dollars and a half to find out whether he had ever owned any land and they said he did at one time buy a piece of land from a man named Pake, paid him the money for it. But whatever went with that land he had we dont know; that was the letter wrote from the county clerk.

Q Do you know whether any of your people ever got any land back there from the government? A No; I know he didn't get it from the government according to grandma's statements I dont know anything about it but according to that county clerk's statements and according to all my folks statements he never got it from the government.

Q Did any of your Choctaw ancestors move out to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838 between sixty and seventy years ago?

A My grandmother started but she didn't get here; so she said.

Q Do you know in what year it was she started for the new nation? A It was before the war.

Q You dont know how long before that? A No sir.

Q Do you think it was as much as twenty five years before that? A No it wasn't twenty five years because I have heard her say that she had one child when she came out here; my mother was about three or four years old and she was twelve years old the first of the war; they come between that time. That's what she said.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay and take land; on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were appointed by the President of the United States and they went to Mississippi between the years 1837 and 1845 and heard a great many Choctaw cases.

Q Did any of your ancestors ever appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?

A I dont know.

An act of Congress approved August 23, 1842 provided that in

Etta Brown--5.

case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi or Alabama, Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A I don't know.

Q So far as you know none of your people ever received any benefits as Choctaw Indians? A As far as I know they never.

Q You never heard of them ever receiving any? A No sir.

Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830 when the treaty was made? A I don't know but I've heard that my grandfather James Vinson was put on the roll of 1830 I don't know but people say he was.

Q Who did you ever hear say that; that his name was on the roll of 1830? A Why I heard my grandmother say it.

Q What do you mean by the roll of 1830? A They went back there when they was fixing to move the Indians here and they enrolled them.

The records in the possession of the Commission containing the names of persons who complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or received benefits thereunder are examined and the name of James Vinson, the grandfather of this applicant is not found thereon.

A I don't know whether he's on it or not but I've heard them talk about it and say he was on it.

Q Do you know of any old persons living who would likely know whether any of your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder; any old persons who would know whether your people ever complied with this treaty provision back there seventy two years ago? A I don't know.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A The evidence they sent in here.

Q What? A My Aunt Missie.

Q I mean do you know of any old deeds or patents or old papers of any kind which would show that your people complied with this treaty provision seventy two years ago? A No sir I don't know anything about that.

Q Have you any written evidence of any kind with you at this time that you desire to offer? A No sir.

Q Have you any witnesses here today to testify in your behalf? A No sir.

Q Are there any further statements you want to make? A No sir.

Q Do you desire to have your case consolidated with that of your mother and of William A. Downum your mother's brother and considered with their cases in the determination of your rights? A Yes sir.

Etta Brown-6.

Q You dont speak or understand the Choctaw language do you?

A No sir.

---O---

This applicant has the appearance of being a white woman shows no indications of being possessed of Indian blood; has dark hair, rather dark complexion, dark eyes, does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

---O---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 14 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 6056

Muskogee, Indian Territory, January 27, 1908.

Etta Brown,

Kiowa, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Brown, et al.	M.C.R. 6056
Etta Brown	M.C.R. 6057
James A. Brown	M.C.R. 6059
Ethel Johnston	M.C.R. 6058
Lurany Dodson, et al.	M.C.R. 5564
Nanoy Pearl Cooper, et al.	M.C.R. 5590
Wiley L. Downum, et al.	M.C.R. 5582
James Sidney Downum, et al.	M.C.R. 5570
William A. Downum, et al.	M.C.R. 5565
Elizabeth Killebrew, et al.	M.C.R. 5566

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 485), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Etta Brown,--2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner, (nee Downum), Jesse Downum, Ollie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cicero Buckner, James Sidney Downum, Lulu Downum, Ellen Downum, Curtie Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Maud Minnie Downum, Elizabeth Killebrew and Bertha Killebrew as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Kirby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6057

Muskogee, Indian Territory, May 19, 1903.

Etta Brown,

Kiowa, Indian Territory.

Dear Madam:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Brown, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

Jams Dixby.
Chairman.

M C R 6057

Muskogee, Indian Territory, February 15, 1906.

J. M. Brown,

Kiowa, Indian Territory.

Dear Sir:

Replying to your letter of February 10, 1906, you are informed that the decision of the Commission to the Five Civilized Tribes of January 27, 1903, adverse to all the applicants in the consolidated Mississippi Choctaw case of Lizzie Brown, et al., was affirmed by the Secretary of the Interior on May 5, 1903. Therefore, none of said applicants are entitled to share in the allotment of the lands of the Choctaws and Chickasaws.

You are further advised that this office now has no authority to receive or consider any further evidence in support of said case.

The letter of the Commission to the Five Civilized Tribes of January 27, 1903, enclosed with your communication of the 10th instant, is herewith returned.

Respectfully,

Acting Commissioner.

McM XX

For Identification as a Mississippi Choctaw.

Name *Etta* ^{Date} *Jan 14* ~~*W. Brown*~~
Age *24* Blood *1/16 or 1/32*
Post-Office, *Nowa, I. I.*
Father: *John M. Brown* L
Mother *Lizzie* "
Claims through *mother*.

Children: *Myself*

Stenographer *Clara M. Wood.*

Choctaw MCR 6058

Ethel Johnston

See MCR 6056

MCR 6058

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 14, 1902.

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In the matter of the application of Ethel Johnston for identification as a Mississippi Choctaw.

---0---

Ethel Johnston being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ethel Johnston.
Q How old are you? A Eighteen.
Q How much Choctaw blood have you? A One thirty-second part.
Q What's your post office address? A Kiowa, I.T.
Q How long have you lived at Kiowa? A Two years.
Q Where did you live before that? A Maysville, Arkansas. I lived in the Cherokee Nation but that was our post office.
Q How long did you live in that nation? A Two years.
Q Where did you live before that? A Arkansas.
Q All your life before that you lived in Arkansas? A Yes; born and raised in Arkansas except what few years I lived in the Territory.
Q Is your father living? A Yes.
Q What's his name? A J.M. Brown.
Q What's that J. for? A John.
Q Is your mother living? A Yes.
Q What's her name? A Lizzie; some call her Sis.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q Is the Lizzie Brown who appeared before the Commission here this morning your mother? A Yes sir.
Q What relation are you to Etta Brown who appeared before the Commission this morning? A Sister.
Q Full sister? A Yes.
Q Through which one of her parents did your mother get her Choctaw blood? A Mother.
Q What was her mother's name? A Downum before she was married; Vincon.
Q What was her given name? A Lucinda.
Q Through which one of her parents did she get her Choctaw blood? A I don't know.
Q You don't know the names of your Choctaw ancestors further back than Lucinda? A No.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians in Indian Territory? A No.
Q Are you married? A Yes.
Q Husband living? A Yes.
Q What's his name? A Elmer D. Johnston.
Q Has he any Choctaw blood? A Yes; a little.
Q He has? A O, no.
Q You make no claim for him then? A No.
Q Have you any children living? A No.
Q This application then is for yourself only? A Yes sir.

Ethel Johnston--2.

- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe or did anyone ever make such an application in your behalf? A No.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities have you? A No.
- Q Has any application of any description ever been made in your behalf before today for the purpose of establishing your rights as a Choctaw Indian? A Two years ago in Muskogee my mother appeared in my behalf.

The records of the Commission show that on the 8th day of March 1900 Lizzie Brown appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of herself and her seven minor children and her husband as citizens of the Choctaw Nation their names appearing upon Choctaw card R 416; among the names of her said children appears that of Ethel Brown, a daughter who was at that time about fifteen years of age.

- Q Have you a brother named James? A Yes.
- Q And a brother named Jesse? A Yes.
- Q A sister Yada? A Yes.
- Q And a sister Bessie? A Bess.
- Q You desire at this time to make application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek do you? A Yes.
- Q Do you desire to have the record in the matter of the application made by your mother in your behalf two years ago transferred to and made a part of the record in the matter of your application for identification as a Mississippi Choctaw? A Yes.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw Indians; at the time this treaty was made the Choctaw lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of the Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty.

That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain

Ethel Johnston--8.

and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article ? A Yes.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I dont know.
- Q Did any of them own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I dont know.
- Q Did any of them live there at that time? A I dont know.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there and take land and become citizens of the states? A I dont know.
- Q Did any of them ever claim or receive any land from the government under article fourteen of the treaty of Dancing Rabbit Creek? A I dont know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838. A I dont know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know they wanted to stay there and become citizens of the states and take land and on this account the government in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts

Nthel Johnston--4.

between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went to Mississippi and heard a great many of those Choctaw cases.

Q Did any of your ancestors appear before these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I dont know.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of dancing rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land someplace else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress? A I dont know.

Q So far as you know then none of your people ever received any benefits as Choctaw Indians? A I dont know anything about them.

Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 when the treaty was made? A I dont know.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the fourteenth article of the treaty of dancing rabbit Creek? A No.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence to offer at this time? A No.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application they may appear before us here at Muskegee within fifteen days from today and their testimony will be taken; or if you should find any written evidence which you desire to offer in support of this application such proper written evidence as may be received within a period of fifteen days will receive the consideration of the Commission.

Ethel Johnson--5.

Q Are there any further statements you want to make? A No.
Q Do you speak or understand the Choctaw language? A No.

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Special reference is hereby made to M.C.R. 6555 William A. Downum et al., the applicants in said case and the applicants in this case being the descendants of a common Choctaw ancestor.

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This applicant has the appearance of being a white woman shows no indication of being possessed of Indian blood; has dark hair, rather dark complexion, dark eyes, does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of the fourteenth article of the treaty of Pandung Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 14 day of July 1902.

Guy L. V. Emerson
Notary public.

COPY

Muskogee, Indian Territory, January 27, 1903.

Ethel Johnston,

Kiowa, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Brown, et al.	M.C.R. 6056
Etta Brown	M.C.R. 6057
James A. Brown	M.C.R. 6059
Ethel Johnston	M.C.R. 6060
Lurany Dodson, et al.	M.C.R. 5584
Nancy Pearl Cooper, et al.	M.C.R. 5590
Wiley L. Downman, et al.	M.C.R. 5589
James Sidney Downman, et al.	M.C.R. 5570
William A. Downman, et al.	M.C.R. 5563
Elizabeth Killebrew, et al.	M.C.R. 5588

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 485), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Ethel Johnston,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner, (nee Downum), James Downum, Ellie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cicero Buckner, James Sidney Downum, Lulu Downum, Ellen Downum, Curtie Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Aud Minnie Downum, Elizabeth Killebrew and Bertha Killebrew as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Lacey.
Acting Chairman.

Registered.

COPY.

M.O.R. 6058

Muskogee, Indian Territory, May 19, 1903.

Ethel Johnston,

Kiowa, Indian Territory.

Dear Madam:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lizzie Brown, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

Jane Birby.

Chairman.

No. 6058

For Identification as a Mississippi Choctaw.

Date

Name Ethel Johnston

Age 18 Blood 1/32

Post-Office, Kiowa, Ok.

Father: John M Brown L

Mother Lizzie " L.

Claims through mother
husband.

Elmer D. Johnston L
No claim for husband.

Children:

Self only.

Stenographer Clara M. Wood.

Choctaw MCR 6059

James A. Brown

See MCR 6056

MCR 6059

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 14, 1902.

—Q—

In the matter of the application of James A. Brown
for the identification of himself as a Mississippi Choctaw.

James A. Brown being first duly sworn testified as follow s:

Examination by the Commission:

- Q What is your name? A James A. Brown.
Q How old are you? A Twenty two.
Q How much Choctaw blood have you? A One thirty second.
Q What's your post office address? A Legal Indian Territory.
Q How long have you lived in the Indian Territory? A Four Years.
Q Where did you live before that? A Arkansas.
Q All your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A John M. Brown.
Q Mother living? A Yes sir.
Q What's her name? A Lissie Brown.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q Is the Lissie Brown who appeared before the Commission here this morning your mother? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood? A Mother.
Q What was her mother's name? A Downum.
Q What was her given name? A Lucinda.
Q Through which one of her parents did Lucinda get her Choctaw blood? A Father.
Q What was his name? A Jim Vinson.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Hammie Brown.
Q Has she any Choctaw blood? A No sir.
Q You don't make any claim for her? A No sir.
Q Have you any children? A No sir.
Q This application is for yourself only then? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted to or enrolled as a member of that tribe or did anyone else ever make such an application for you? A No sir.
Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

James A. Brown--2.

- Q Then you have never been admitted to citizenship in the Choctaw Nation have you? A No sir.
- Q Has any application of any description ever been made before today for the purpose of establishing your rights in as a Choctaw Indian?
- A Yes sir.
- Q When? A Two years ago.
- Q Where? A Muskogee.
- Q To whom? A Needles; to the Secretary of the Interior.
- Q You mean the Dawes Commission? A Yes sir.
- Q Who made this application for you? A Mother.

The records of the Commission show that on the 8th day of March 1900 Lizzie Brown appeared before the Commission at Muskogee Indian Territory and made application for the enrollment of herself and seven minor children and her husband as citizens of the Choctaw Nation their names appearing upon Choctaw field card number R 416, among

the children for whom application was made by her at that time appears the name of James Brown a son whose age was at that time given as nine teen years.

- Q You are the James Brown referred to in the application of your mother two years ago? A Yes sir.
- Q Did you ever have a sister by the name of Sis? A No sir.
- Q Did you ever have a brother by the name of Eddie? A No sir.
- Q How many children in the family are of age and single?
- A One.
- Q What's that child's name? A Etta.
- Q A girl? A Yes sir.
- Q About how old is she now? A About t wenty four I guess.
- Q Did your mother ever go by the name of sis? A Yes sir.
- Q Does she go by that name now? A Yes sir.
- Q Have you ~~any~~ a sister by the name of Kessie? A No sir.
- Q Have you a brother by that name? A Yes sir.
- Q About how old is he? A Ninetwen or twenty.
- Q Have you a sister named Ethel? A Yes sir.
- Q Is she married? A Yes sir.
- Q What's her husband's name? A Johnston.

This application made in your behalf in 1900 is the only application of any kind that was ever made for the purpose of establishing your rights as a Choctaw Indian? A Yes sir.

- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you desire that the record made in the matter of the application made two years ago to this Commission in your behalf by your mother shall be transferred and made a part of the record in the matter of this application you now make at this time for identification as a Mississippi Choctaw?
- A Yes sir.
- Q Do you understand the fourteenth article of the treaty of Dancing Rabbit Creek? A That you want over? A
- Q Yes. A Yes.
- Q Did any of your ancestors ever comply with or attempt to comply with its provisions or ever receive any benefits under that fourteenth article? A No sir; none that I know of.
- Q Did any of them own an improvement in what constituted

the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I dont know.

Q Did any of them live there at that time? A I dont know.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1839?

A I dont know.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land?

A I dont know.

Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I dont know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay there and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek.; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to the state of Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your ancestors ever appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?

A I dont know.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that an Indian had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place also in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect. These certificates were called scrips.

Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of

James A. Brown--4.

Congress? A I don't know.

Q Did you ever hear of any of your ancestors ever having received any benefits ~~as~~ whatever as Choctaw Indians?

A No sir.

Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir.

Q Do you know of any old persons who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts.

A No sir.

Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.

Q Have you any witnesses here today to testify in your behalf

A No sir.

Q Do you desire to have your case consolidated with your mother's case? A Yes sir.

Q And considered in connection with hers? A Yes sir.

If you should find any witnesses who testimony you desire to have taken before the Commission they may appear before us at Muskegee within fifteen days from today and their testimony will be taken or if you should find any written evidence which you desire to offer in support of your application such proper written evidence as may be offered within fifteen days from today will receive the consideration of the Commission.

Q Are there any other statements you want to make? A No sir.

Q Do you speak or understand the Choctaw language? A I understand it some.

Q You have learned it since you've been down there in the Choctaw Nation in the last two years? A Yes sir.

Special reference is hereby made to M.C.R. 5565 William A. Downum et al the applicants in said case and the applicant in this case being the descendant of a common Choctaw ancestor.

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This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; he has black hair, very dark complexion, dark brown eyes; he claims to speak and understand some of the Choctaw language having learned it within the past two years during his residence in that nation; he has no knowledge of compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five

James A. Brown--J.

Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic report of said proceedings on said date.

W. H. Smith

Subscribed and sworn to before me this 14 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY. M.C.R. 6039

Muskogee, Indian Territory, January 27, 1903.

James A. Brown,

Legal, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lizzie Brown, et al., embracing the following applications for identification as Mississippi Choctaws:

Lizzie Brown, et al.	M.C.R. 6056
Etta Brown	M.C.R. 6057
James A. Brown	M.C.R. 6059
Ethel Johnston	M.C.R. 6058
Lurany Dodson, et al.	M.C.R. 5584
Nancy Pearl Cooper, et al.	M.C.R. 5590
Wiley L. Downum, et al.	M.C.R. 5586
James Siary Downum, et al.	M.C.R. 5570
William A. Downum, et al.	M.C.R. 5585
Elizabeth Killebrew, et al.	M.C.R. 5586

These applications were made under the provision of the act of Congress of June 26, 1896 (54 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

James A. Brown,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lizzie Brown, Jesse Brown, Vada Brown, Bessie Brown, Etta Brown, James A. Brown, Ethel Johnston, Lurany Dodson, James Andrew Jackson Lee, Nancy Pearl Cooper, Georgie S. Cooper, Wiley L. Downum, Belle Buckner, (nee Downum), Jesse Downum, Ollie Lewis (nee Downum), Charlie Downum, Lee Downum, Lark Downum, Henry Downum, Myrtle Downum, Julia Buckner, Eliza Buckner, Cicero Buckner, James Sidney Downum, Lula Downum, Ellen Downum, Curtie Downum, Norval Downum, William A. Downum, Johnnie Lee Downum, Una E. Downum, Nina Downum, Maud Minnie Downum, Elisabeth Killebrew and Bertha Killebrew as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Doby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6059

Muskogee, Indian Territory, May 10, 1903.

James A. Brown,

Legal, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Linnie Brown, et al., of which decision you were advised by registered mail on the 27th day of January, 1903.

Respectfully,

(SIGNED)

James Dixby.
Chairman.

For Identification as a Mississippi Choctaw.

Name ^{Date} James A Brown

Age 22 Blood 1/32

Post-Office, Legal, I T

Father: John M Brown L

Mother: Lizzie " L

Claims through mother
wife

Hannie Brown L
No claim for wife.

Children:

Lizzie
John

Stenographer

Clara M. Wood.

Choctaw MCR 6060

Susan Bays

See MCR 6111, 6110, 6086
6062, 6061, 6063, 6087, 6345

MCR 6060

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Susan Bays, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Susan Bays, et al.,	M. C. R. 6060
Elijah Bays,	M. C. R. 6111
Callie Harney, et al.,	M. C. R. 6110
Sam Hulsey, et al.,	M. C. R. 6086
Gertrude Emmend, et al.,	M. C. R. 6068
Charles H. Hulsey,	M. C. R. 6061
John Enloe, et al.,	M. C. R. 6063
Sam B. Enloe,	M. C. R. 6067
Carrie Searey, et al.,	M. C. R. 6346

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of

Susan Bays, et al.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 14th, 1902.

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In the matter of the application of Susan Bays for the identification of herself and her two minor children, Samuel and Perry H. Bays, as Mississippi Choctaws.

B. Heard, attorney for applicant.

Susan Bays, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Bays is my name.
Q What is your given name? A Susan.
Q Susan B A Y S? A Yes sir.
Q How old are you? A I am fifty-four years old.
Q How much Choctaw blood have you? A One-eighth.
Q What is your post office address? A Lehigh.
Q Indian Territory? A Yes sir.
Q How long have you lived at Lehigh? A About five years.
Q Where did you live before that? A Why, I lived at McAlester and Hartshorne, just in the Territory.
Q How long have you lived in Indian Territory? A Twenty-seven years.
Q Where did you live before that? A I lived in Arkansas.
Q What is that? A No, no, I lived in Mississippi, but before that you know - - before I lived in the Territory I lived in Arkansas last.
Q How long did you live in Arkansas? A About seven years I guess.
Q Prior to that you lived in Mississippi? A The rest of the time in Mississippi.
Q What county? A I lived out of Mississippi once of the time about twelve months or maybe thirteen months in Missouri.
Q In what county in Mississippi? A Itawamba county.
Q Is your father living? A No sir, my father's dead.
Q What was his name? A His name was John Maloney.
Q Is your mother living? A No, mother's dead.
Q What was her name? A Rachel.
Q Through which one of your parents do you get your Choctaw blood?
A My mother.
Q How old would your mother be if she were living now? A She would be sixty-nine.
Q She ever have any brothers or sisters older than she? A Yes.
Q How many? A There was - - I don't know.

- Q About how many older than she? A There was - - - must have been five or six; I don't know how many.
- Q None of them twins? A No.
- Q Was your mother born in Mississippi? A I don't know whether she was or not.
- Q Do you know where she lived prior to your birth, during her entire life? A Why, I don't know.
- Q Through which one of her parents did your mother get her Choctaw blood? A Why, from her mother.
- Q What was her mother's name? A Her mother's name was Hopkins; you mean her maiden name?
- Q Given name? A Her mother's name was Sally. Th
- Q What was her maiden name? A My grandmother?
- Q Yes? A Sally Thomas.
- Q How much Choctaw blood did Sally Thomas have? A Why, they told me she was one-half; she was a half breed.
- Q She married a man by the name of Hopkins? A Yes sir.
- Q Through which one of her parents did she get her Choctaw blood? A I don't know.
- Q You don't know the name of her father? A No.
- Q Or mother? A No.
- Q Did Sally have a Choctaw name? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q Do you know where she lived during her entire life? A No, I do not.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I don't know; I couldn't tell you.
- Q Are you married? A Am I married?
- Q Yes? A Yes sir.
- Q Husband living? A Yes sir.
- Q What is his name? A His name is Nicholas Bays.
- Q Has he any Choctaw blood--your husband? A No.
- Q You make no claim for him then? A No.
- Q Have you any children who are under age and unmarried? A Yes sir, I have two that's under age.
- Q What are their names and ages, the oldest first? A The oldest first, his name is Samuel.
- Q How old is Samuel? A He's sixteen.
- Q Next one? A Is Perry E.
- Q How old? A Twelve years old; no,-----yes, that's right.
- Q Is that all of your minor children? A That's all.
- Q Are they living with you at this time? A Yes sir.
- Q Are they the children of yourself and Nicholas Bays, both of them? A Yes sir.
- Q This application then is for yourself and two minor children? A Yes sir. Why, do I have to put in for my son? I have got one living at home but he's of age.
- Q He will have to appear in his own behalf? A In his own behalf.
- Q Yes sir, if he is of age? A Well, he is of age.
- Q How many children have you living who are of age or married? A Three - - - two married and one that isn't married.
- Q What are the names of these three children? A The oldest is named Jehuie Bays.
- Q Next one? A Eliza Elijah.
- Q Next one? A Is Gallie.

#3.

- Q Is she married? A Yes sir, she's married.
Q What is her husband's name? A Harney.
Q Are those three children here to-day? A No.
Q None of your children here to-day? A No.
Q Those who are of age you must understand now will have to appear in their own behalf. This application is for yourself and two minor children? A Yes sir.
Q Is your name or the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
A How is it?
Q Is your name or the name of either one of your children to be found upon any of the Choctaw tribal rolls in Indian Territory?
A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, to be admitted or enrolled as members of that tribe? A No sir.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or either of these children under the act of Congress approved June 10, 1896?
A Never made no application at all.
Q This is the first application of any description that you have ever made? A This is the first of any description.
Q You have never been admitted to citizenship in the Choctaw Nation have you? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and two minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaw Indians were living in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain there and become a citizen of the states and take land, might do so, and might receive land there from the government upon certain conditions. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be

bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article, Mrs. Rays?
 A I don't know whether I do or not. I have got no education myself, and I am kinda thick-skulled; I don't know what else to compare it to; not educated enough to understand much.

In case a Choctaw Indian who might have been living back there in the old Choctaw Nation in Mississippi or Alabama in 1830, when this treaty of Dancing Rabbit Creek was made, that is, nearly seventy-two years ago now, decided that he didn't want to come out west here to the new country but preferred to stay back there and become a citizen of the states, he had the right to do so, and he had the further right under the fourteenth article of the treaty, to receive land there in Mississippi and Alabama from the government upon certain conditions. First, he was required by the terms of that fourteenth article to let the Agent of the government in Mississippi for the Choctaws know within six months after this treaty of Dancing Rabbit Creek was ratified--the treaty was ratified on February 24, 1831--that he wanted to stay there and become a citizen of the states and take land. After he had so let the Agent know of his intention of remaining there and becoming a citizen of the states and taking land, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each child living with him over ten years of age, and a quarter section for such child as might be under ten years of age at the time the treaty was made. The reservations of these children were required by the terms of the fourteenth article to adjoin the location of the parents. If they lived upon that land intending to become citizens of the states for five years from February 24, 1831, they were entitled to a grant in fee simple to the land; that is, the government would give them a deed or patent to it and the land would become the property of the Indians to dispose of at their pleasure. The last part of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is, a person who stayed back there in Mississippi and took land under this fourteenth article, should not, by reason of his having done

#5.

so, lose the privilege of a Choctaw citizen, but if he ever moved out to the new country he was not to be entitled to any portion of the Choctaw annuity. Choctaw annuity is money that becomes due each year to the Choctaws from the government of the United States.

- Q Do you think you understand that fourteenth article now?
A I think maybe I do.
Q Do you know whether any of your Choctaw forefathers were living in the old Choctaw Nation in Mississippi and Alabama seventy-two years ago, when this treaty was made? A No, I don't know.
Q Do you know whether any of them owned an improvement there at that time? A I suppose they all owned land but I don't know how they got it; I don't know whether it was Choctaw land given to them or not; I don't know how they got it.
Q Seventy-two years ago, when this treaty was made? A I thought you meant---by people---my ma's brothers in Mississippi owned land.
Q I mean your ancestors down there seventy-two years ago? A I don't know anything about it.
Q Do you know whether any of them moved to the present Choctaw Nation in Indian territory, at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.
Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land? A No, I don't know that.
Q Do you know whether any of them ever claimed or received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No, I don't know that.
Q Did you ever hear of any of your people ever having received any land from the government under this treaty? A No.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed in many instances to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had

been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your forefathers appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Did they, you say? I don't know.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I don't know.
 Q Do you know whether any of your ancestors ever received any benefits whatever as Choctaw Indians? A No, I don't know.
 Q Did you ever hear of any of them ever having received any benefits as Choctaw Indians? A No, I never heard.
 Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made?
 A Enrolled?
 Q Any of your people recognized or enrolled members? A I don't know whether they was or not.
 Q Do you know of any old person living who would likely know whether any of your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
 A I know of one old person.
 Q What is the name of that person? A His name is Perry--Sam Perry, colored.
 Q Where does Sam live? A Lives down at Lehigh.
 Q Where? A At Lehigh.
 Q About how old is he? A Eighty-nine.
 Q You think he would know whether your people ever complied or attempted to comply with the treaty provision? A Yes, I think he would know.
 Q Did you ever talk to him about it? A No sir, but he is an old Mississippi darkey.
 Q Did he live among your people down there in Mississippi?
 A Yes sir.
 Q Do you know of any one else that would know about this matter?
 A No, I don't know of any one else.
 Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No.
 Q Have you any written evidence of any kind to offer at this time in support of your application? A No.
 Q Any witnesses here to-day? A No sir.

27.

Q Are there any further statements you want to make at this time in support of your application; anything further to say?

A No, I don't reckon there is.

Q Do you speak or understand the Choctaw language? A No, I do not; I understand a little, but not worth saying I do.

By the Commission to Mr. Heard:

Q Do you want to ask any questions? A Yes sir.

By Mr. Heard to applicant:

Q This Sam Perry, colored man, you say he know some of your people in Mississippi? A Yes sir, he lives close to Lehigh.

Q He lives not far from you? A No sir, he don't live but a little ways from Lehigh.

Q Does he know you? A Yes sir.

By the Commission to applicant:

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Oklawaha within fifteen days from to-day and their testimony will be taken. If you should see fit to offer any written evidence in support of this application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

Q Are there any further statements you care to make? A I reckon that's sufficient, isn't it?

By the attorney:

Q You have nothing further to say? A No sir.

By the Commission:

Q Have you any brothers living? A I have three.

Q What are their names? A John Hulsey, Samuel Hulsey and Charlie Hulsey.

Q Any sisters living? A Two.

Q What are their names? A Carrie.

Q Carrie what? A Carrie Searcy.

Q Next one? A Prudence Gertrude Remond.

Q Have any of your brothers or sisters been before the Commission before to-day? A No sir.

Q Have you any brothers or sisters dead who left children?

A I have a sister that's dead; that is one of her boys—my nephew here, and she has one grown—he has a brother.

Q What was the name of that sister? A Sallie Hulsey.

Q She left two children? A She left two children.

Q What are the names of those two children? A John and Samuel.

Q You have no deceased brothers who left children have you?

A No sir.

Q Did your mother ever have any brothers or sisters? A Yes sir, she had brothers and sisters.

40.

- Q How many? A I don't know, about seven or eight in all I guess; I don't know much about my people.
- Q Can you name them all? A Why, I expect I could.
- Q Name what you can of them; if the girls are married, give their married names? A Of my mother's sisters?
- Q Yes sir? A Well, my oldest aunt on Ma's side was named Sally Hendrick.
- Q Next one? A Was Betty Morris.
- Q Next one? A Was Bethania; I believe that----called her.
- Q That was a brother? A No, it was Ma's sister Bethania Bonds.
- Q Next one? A Why, Eli Hopkins and Elijah Hopkins, both brothers, and Tom Hopkins.
- Q Next? A That's all that I remember.
- Q Did those brothers and sisters of your mother all leave children? A They was my mother's brothers and sisters.
- Q Did they all leave children I say? A I don't remember nothing about their children; I don't remember anything about them; just heard mother speak about her brothers and sisters names.
- Q You don't know the names of any of your deceased brothers and sisters' children? A No, I do not.

This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood; her hair is somewhat inclined to be light; she has rather dark complexion; gray eyes; doesn't speak or understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 14th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 31 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

121
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susan Bays, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Susan Bays, et al.,	N. C. R. 6040
Elijah Bays,	N. C. R. 6111
Callie Harney, et al.,	N. C. R. 6116
Sam Halsey, et al.,	N. C. R. 6066
Gertrude Hamond, et al.,	N. C. R. 6068
Charles H. Halsey,	N. C. R. 6061
John Halsey, et al.,	N. C. R. 6069
Sam B. Halsey,	N. C. R. 6067
Carrie Searey, et al.,	N. C. R. 6048

--- D E C I S I O N ---

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission by Susan Bays for herself and her two minor children,
Samuel and Perry H. Bays; by Elijah Bays for himself; by Callie
Harney for herself and her two minor children, Elijah and Johnnie
Harney; by Sam Halsey for himself and his two minor children,
Beth and Carrie Halsey; by Gertrude Hamond for herself, and her
two minor children, Alice and Carrie Hamond; by Charles H. Halsey
for himself; by John Halsey for himself and his minor child,
Franklin B. Halsey; by Sam B. Halsey for himself; and by Carrie
Searey for herself and her minor child, Thomas Searey, under
the following provision of the act of Congress approved June 20,

1896 (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sally (or Sallie, or Sukey) Hopkins (or Hampton) nee Thomas, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sally (or Sallie, or Sukey) Hopkins (or Hampton), nee Thomas, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply

with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry W. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Hamend, Alice Hamend, Carrie Hamend, Charles H. Hulsey, John Hales, Franklin B. Hulse, Sam B. Hulse, Carrie Searey and Thomas Searey as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

DESIGNED

Tams Bixby.

Acting Chairman.

DESIGNED

I. B. Needles.

Commissioner.

DESIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

COPY.

M.C.R. 6060

Muskogee, Indian Territory, February 8, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al,	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Edmond, et al.	M.C.R. 6063
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam B. Enloe	M.C.R. 6067
Carrie Searcy, et al.	M.C.R. 6345

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), w

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry N. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Edmond, Alice Edmond, Carrie Edmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

M. McM. & Co., --2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Bixby.

Acting Chairman.

COPY:

M.C.R. 6060

Muskogee, Indian Territory, February 3, 1903.

S. Hearl, Attorney at law.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Diamond, et al.	M.C.R. 6062
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam B. Enloe	M.C.R. 6087
Carrie Searoy, et al.	M.C.R. 6348

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 483), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

S. Heard,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry H. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Edmond, Alice Edmond, Carrie Edmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Dixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6060

Muskogee, Indian Territory, February 3, 1903.

Susan Bays,

Lehigh, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Esmond, et al.	M.C.R. 6062
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam R. Enloe	M.C.R. 6087
Carrie Searcy, et al.	M.C.R. 6345

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Susan Bays, --2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry M. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Esmond, Alice Esmond, Carrie Esmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 8, 1903.

W. H. Harrison,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Edmund, et al.	M.C.R. 6082
Charles M. Hulsey	M.C.R. 6061
John Enlee, et al.	M.C.R. 6063
Sam B. Enlee	M.C.R. 6067
Carrie Searcy, et al.	M.C.R. 6345

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

W. H. Harrison,--2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry N. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Esmond, Alice Esmond, Carrie Esmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Stacy.
Acting Chairman.

Registered.

M.C.R. 6060.

Waskogee, Indian Territory, February 13, 1903.

W.H. Esmond,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., enclosing the affidavits of Margaret Hulsey and J.P. Grady offered for filing in support of the applications included in the consolidated Mississippi Choctaw case of Susan Bays, et al.

Replying to your letter, you are informed that on February 3, 1903, the Commission rendered its decision refusing the right of the several applicants in this consolidated case to be identified as Mississippi Choctaws; and on the same date the several applicants were notified by registered mail of the action of the Commission, and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case will expire on February 18, 1903. February 19, 1903, the record in

W H E 2

this case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior.

The affidavits above referred to will be transmitted to the Secretary of the Interior with the record in this case.

Respectfully,



Acting Chairman.

COPY.

Muskogee, Indian Territory, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Susan Bays, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 3, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Susan Bays, et al.	M.C.R. 6060
Elizah Bays	M.C.R. 6111
Gallie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Hamond, et al.	M.C.R. 6082
Charles H. Hulsey	M.C.R. 6061
John Hulce, et al.	M.C.R. 6063
Sam B. Hulce	M.C.R. 6067
Garrie Searey, et al.	M.C.R. 6245

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There are also enclosed herewith the affidavits of Delilah Gilbert, Samuel Perry, Margaret Hulsey, J. P. Grady and Catherine

Hon. Sec. Int., --2

Franklin in relation to this case, filed with the Commission subsequent to the rendition of the decision herein.

Respectfully,

(SIGNED).

Tame Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

3 inclosures: M.C.R. 8040

M C R 6060

Muskogee, Indian Territory, February 20, 1903.

W. H. Hammond,

Gealgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing the affidavit of Catherine Franklin offered for filing in support of the consolidated Mississippi Choctaw case of Susan Bays, et al.

In reply to your letter you are informed that the fifteen days from February 3, 1903, heretofore granted the applicants in this case within which to submit arguments in support of their claims to be transmitted to the Secretary of the Interior, expired on February 18, 1903. On February 19, 1903, the record in this case, together with the affidavit above referred to, was forwarded to the Secretary of the Interior.

Respectfully,

Acting Chairman.

(COPY)

Land
12794-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON, March 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated February 19, 1903, forwarding for the Department's consideration, the record relative to the application of Susan Bays, et al., for identification as Mississippi Choctaws.

Susan Bays applies for the identification of herself and her two minor children, Samuel and Perry H. Bays.

Elijah Bays applies for the identification of himself.

Callie Harney applies for the identification of herself and her two minor children, Elijah and Johnnie Harney.

Samuel Hulsey applies for the identification of himself and his two minor children, Seth and Carrie Hulsey.

Gertrude Hamond applies for the identification of herself and her two minor children, Alice and Carrie Hamond.

Charles H. Hulsey applies for the identification of himself.

John Enloe applies for the identification of himself and his minor child, Franklin B. Enloe.

Samuel B. Enloe applies for the identification of himself.

Carrie Searcy applies for the identification of herself and her minor child, Thomas Searcy.

February 3, 1903, the Commission held that the applicants were not entitled to identification as Mississippi Choctaws.

The applicants in this case claim descent from Sally, or Sallie, or Sukey Hopkins, or Hampton, nee Thomas.

Rachel Hulsey, nee Rachel Hopkins, was the mother of the principal applicant, Susan Bays, who was born, the record shows, in 1833.

The records of this office do not show that any one by the name of Sally, or Sallie, or Sukey Hopkins, or Hampton, nee Thomas, complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or with the provisions of the acts of March 3, 1837 and August 23, 1842.

It is therefore recommended that the decision of the Commission, adverse to the applicants, be approved.

Very respectfully,

CAW-6.

Acting Commissioner.

(COPY)
35645.

D. C. No. 17222-1903.

J.W.H.

DEPARTMENT OF THE INTERIOR.
Washington.

JHB

I.T D. 3092-1903.
L.R.S.

June 6, 1903.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

February 19, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Susan Bays (M.C.R. 6060), for herself and her two minor children, Samuel and Perry H. Bays; of Elijah Bays for himself; of Callie Harney for herself and her two minor children, Elijah and Johnnie Harney; of Sam Hulsey for himself and his two minor children, Seth and Carrie Hulsey; of Gertrude Ramond for herself and her two minor children, Alice and Carrie Ramond; of Charles H. Hulsey for himself; of John Enloe for himself and his minor child, Franklin B. Enloe; of Sam B. Enloe for himself; and of Carrie Searey for herself and her minor child, Thomas Searey, including your decision of February 3, 1903, refusing to identify them as such.

It appears that the applicants in this case are the descendants of a half blood Choctaw woman named Sally (or Sallie, or Suky) Heppins (or Hampton), nee Thomas. Descent is traced from her through her daughter Rachel Hulsey.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors,

ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts. The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 18, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

(Signed)

THOS. RYAN.

Acting Secretary.

1 inclosure.

M C R 6060

COPY:

Muskogee, Indian Territory, July 17, 1903.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M C R 6060

COPY:

Muskogee, Indian Territory, July 17, 1903.

Winsfield McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M C R 6060

COPY.

Muskogee, Indian Territory, July 17, 1903.

W. H. Harrison,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

COPY:

M C R 8068

Muskogee, Indian Territory, July 17, 1903.

Susan Bays,

Lehigh, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Consolidated Case
of
Susan Baya et al.

6060

Sally Thomas
mar
Hopkins

Rachel Hopkins
dead
mar
John W. Hulsey
(dead)

mer
6060

Susan Hulsey 54- $\frac{1}{8}$

mar
Nicholas Bays

mer
6060

Samuel Bays 16

* Perry N. Bays 12

mer
611 $\frac{1}{2}$

Elijah Bays 29- $\frac{1}{16}$

mer
611 $\frac{1}{2}$

Callie Bays 27- $\frac{1}{16}$

mar
Patrick Harney

Johnnie Bays

mer
611 $\frac{1}{2}$

Elijah Harney 6

" Johnnie Harney 2

mer
6086

Sam Hulsey 42- $\frac{1}{8}$

wife
Phoebe E. Hulsey

mer
6086

Seth Hulsey 13

" Carrie Hulsey 11

mer
6062

Gertrude Hulsey 35- $\frac{1}{8}$

mar
William Esmond

mer
6062

Alice Esmond 13

" Carrie Esmond 20 m

mer
6061

Charles H. Hulsey 28- $\frac{1}{8}$

mer
6063

Sallie Hulsey

mar (dead)
William B. Enloe

mer
6063

John Enloe 28- $\frac{1}{16}$

mar
Julia Hurst

mer
6087

Sam B. Enloe 26- $\frac{1}{16}$

mer
6063

Franklin B. Enloe 22 m

mer
6087

John Hulsey

Carrie Hulsey 47- $\frac{1}{8}$
mar
Coleman Searcy, w.

mer
6087

Thomas Searcy 19

No. 6080

For Identification as a Mississippi Choctaw.

Date JUL 14 1890
Name Susan Bays

Age 54 Blood 1/8

Post-Office, Lehigh, I. I.

Father: John Hulsey d

Mother: Rachel " d

Claims through mother.

Husband Nicholas Bays L

No claim for husband.

Children:

Samuel Bays 16

Perry N. " 12

For self and 2 children

A. M. Miller

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FORTIFIED TRIBES.

FILED

APR 7 1903

A handwritten signature in dark ink, appearing to be 'T. R. ...', is written over the 'FILED' and date stamp.

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

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1583
A. Harrison
Vice

Choctaw MCR 6061

Charles H. Hulsey

See MCR 6060

MCR 6061

Department of the Interior.
Commission to the Five Civilized Tribes.
Washington, D. C., July 14th, 1902.

#0001

In the matter of the application of Charles K. Halsey for
the identification of himself as a Mississippi Choctaw.

S. Heard, attorney for applicant.

Charles K. Halsey, being first duly sworn, testified as
follows:

Examination by the Commission:

- Q What is your name? A Charles K. Halsey.
Q How old are you? A Twenty-eight years old.
Q How much Choctaw blood have you? A One-eighth.
Q What is your post office address? A Hartsburne.
Q Choctaw Nation, Indian Territory? A Yes sir.
Q How long have you lived there? A For the last eight years.
Q Where did you live before that? A Well, I lived right around
in this Territory nearly all the time; first one of these coal
mines and then another; but I have been in Hartsburne most of
the time.
Q Where were you born? A Born in Arkansas.
Q Lived there until you came to the Territory? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John Halsey.
Q Is your mother living? A No, she's dead.
Q What was her name? A Rachel Halsey.
Q Through which one of your parents do you get your Choctaw blood?
A My mother.
Q What relation are you to Susan Bays who appeared before the Com-
mission here to-day? A Brother.
Q Full brother? A Full brother.
Q Has your mother ever been recognized in any manner or enrolled
as a member of the Choctaw tribe of Indians in Indian Territory?
A I don't know.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Her name was Thomas.
Q Given name? A Sally.
Q Through which one of her parents did she get her Choctaw blood?
A I don't know.
Q Have you given us the names of all of your Choctaw ancestors
whose names you remember? A Yes sir, that's all that I re-
member.
Q Do you know how old Sally Hopkins would be if she were living
now? A No sir, I don't.

72.

- Q Have any idea? A Not the least.
- Q Do you know how old her eldest child would be? A No sir.
- Q Are you married? A No sir.
- Q This application then is for yourself alone is it? A For myself alone.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation have you? A No sir.
- Q Have you ever made any effort before to-day to establish your rights as a Choctaw Indian? A No sir.
- Q How long have you known that you were possessed of Indian blood? A I have been taught it all my life.
- Q How does it happen you lived in this country and never made any attempt to establish your rights before? A I don't know; why the exact reason is I just kept putting it off.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A I don't know.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Well, I don't know it positively but of course that's what I have been taught.
- Q Do you know whether any of them owned an improvement there at that time? A No sir.
- Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay and become citizens of the states and take land? A No sir.
- Q Do you know whether any of them ever claimed or received any land in Mississippi from the government under this treaty? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land;

and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors ever appear before any of these Commissioners and attempt to establish their rights under this fourteenth article? A Not that I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of.
 Q Not that you know of? A No.
 Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A Not as I know of.
 Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.
 Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
 Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
 Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskegee, within fifteen days from to-day, and their testimony will be taken; or if you should see fit to offer any written evidence, such proper written evidence as may be offered in support of this application within fifteen days from to-day will receive the consideration of the

#4.

Commission.

- Q Are there any further statements you want to make at this time in support of your application? A None.

Special reference is hereby made to N S R 5060, Susan Bays et al., the applicant in this case and the applicants in that case being the descendants of a common Chectaw ancestor.

- Q You don't speak the Chectaw language? A Well, no; I speak some, but not to understand it.

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; he has a rather dark complexion; dark hair and dark eyes; doesn't speak or understand the Chectaw language, except a few words which he has picked up from association with the Indians and has no knowledge of a compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 14th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said 14th day of July, 1902.

Albert G. McMillan

Sworn and subscribed to before me this 31st day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 8061

Muskogee, Indian Territory, February 8, 1903.

Charles H. Hulsey,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 8080
Elijah Bays	M.C.R. 8111
Callie Harney, et al.	M.C.R. 8110
Sam Hulsey, et al.	M.C.R. 8086
Gertrude Edmond, et al.	M.C.R. 8082
Charles H. Hulsey	M.C.R. 8061
John Enice, et al.	M.C.R. 8083
Sam B. Enice	M.C.R. 8087
Carrie Searcy, et al.	M.C.R. 8345

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Charles H. Hulsey,--2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry M. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Edmond, Alice Edmond, Carrie Edmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searoy and Thomas Searoy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James D. Dwyer
Acting Chairman.

Registered.

M C R 6061

COPY:

Muskogee, Indian Territory, July 17, 1903.

Charles H. Hulsey,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

No. 6061

For Identification as a Mississippi Choctaw.

Date JUL 11 1907

Name Charles H. Hulsey

Age 28 Blood 1/8

Post-Office, Watschorne, S. I.

Father: John Hulsey

Mother: Rachel

d
d

Claims through mother

Children:

A. E. M. Miller

Choctaw MCR 6062

Gertrude Esmond

See MCR 6060

MCR 6062

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 14th, 1902.

70042.

In the matter of the application of Gertrude Hammond for the identification of herself and her two minor children, Alice and Carrie Hammond, as Mississippi Choctaws.

S. Heard, attorney for applicant.

Gertrude Hammond, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Gertrude Hammond.
Q How old are you? A Thirty-five.
Q How much Choctaw blood have you? A One-eighth.
Q What is your post office address? A Coalgate.
Q How long have you lived in Indian Territory? A Twenty-seven years.
Q Where did you live before that? A I have lived around all over the Nation--Krebs, McAlester--
Q Before you came to the Nation I meant? O, Missouri.
Q How long did you live there? A I was born in Missouri.
Q Is your father living? A No sir.
Q What was his name? A John Hulsey.
Q Is your mother living? A No sir.
Q What was her name? A Rachel Hulsey.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Has your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A I don't know.
Q Where was she born? A My mother?
Q Yes? A I don't know.
Q Do you know how old she would be if she were living now? A About Sixty-nine.
Q Did your mother ever live in Mississippi? A Yes sir.
Q When? A I have been told she did.
Q Was she born there? A I don't know.
Q You don't know what period she lived there? A No sir.
Q Did she have brothers or sisters older than she? A I don't know.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.

#2.

- Q What was her name? A Sally Thomas.
Q Was that her maiden name or married name? A Maiden name.
Q And her married name was what? A Hopkins.
Q Do you know the names of Sally's parents? A No sir.
Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What is his name? A William Esmond.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q Have you any children living? A I have two.
Q What are their names and ages? A Alice is thirteen, Alice Esmond.
Q Alice? A Yes sir.
Q Next one? A Carrie Esmond.
Q How old is she? A Twenty months.
Q Are they both the children of yourself and William Esmond? A Yes sir.
Q This application then is for yourself and two minor children; is that right? A Yes sir.
Q Is your name or the name of your eldest child to be found on any of the Choctaw tribal rolls in Indian Territory? A I didn't understand it.
Q Is your name or the name of your oldest child to be found on any of the Choctaw tribal rolls in Indian Territory? A Yes sir.
Q It is? A No, my name is not on the roll; I didn't understand you.
Q Has any application ever been made to the Choctaw tribal authorities in Indian Territory, in your behalf, for the purpose of having your name or the name of your children enrolled as members of the tribe? A No sir.
Q Was any application made to the Commission to the Five Civilized Tribes in the year 1896, for yourself or these children, for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.
Q Then neither of you have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the United States authorities have you? A No sir.
Q Has any application of any description ever been made before today in your behalf or in behalf of these children, for the purpose of establishing your rights as Choctaw Indians? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes.
Q You do? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I don't know.
Q Did any of them live in the old Choctaw Nation back there in Mississippi and Alabama in 1830 when the treaty was made? A I don't know.
Q Did any of them own an improvement there at that time?

#3.

A I don't know sir.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land?

A I don't know.

Q Did any of them ever claim or receive any land in Mississippi or elsewhere from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek?

A I don't know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect.

#4.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A I don't know.
- Q Do you know whether any of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q Did you ever hear of any of them ever having done so? A No sir.
- Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A I don't know.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A Not at present.
- Q Any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of this application, such proper written evidence as may be offered within fifteen days from this date will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q What relation are you to Susan Bays who appeared before the Commission here to-day? A My own sister.
- Q You are a sister of Charles H. Hulsey are you? A Yes sir.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; does not speak or understand the Choctaw language; she has dark hair; rather dark complexion and gray eyes; she has no knowledge of a compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert S. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 14th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert S. McMillan

Subscribed and sworn to before me this 31st day of July, 1902.

Thos L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 3, 1903.

William Ramond,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you ask to be advised if L. P. Hudson has been suspended from "practicing law before the Dawes Commission;" that you employed him to represent you in your Mississippi Choctaw case and desire to know if you should employ another attorney or not.

In reply to your letter you are informed it appears from the record of the Commission that Gertrude Ramond, wife of William Ramond, ^{made} applicant for the identification of herself and two minor children ^A as Mississippi Choctaws, having submitted such application July 14, 1902.

No opinion or decision has yet been reached in this case.

As soon as a decision is rendered the applicant will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

It further appears from the records of the Commission that S. Heard appeared as Attorney for the applicant in this case at the time her application was submitted.

L. P. Hudson was suspended from practicing before this Commission on May 27, 1902, and has not since that date appeared

Wm. H. -----2.

before the Commission as an attorney.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 15, 1903.

W. H. Remond,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th inst., in which you ask if L. P. Hudson filed with the Commission the affidavits of Sam Perry and Delila Colbert in the Mississippi Choctaw cases of your wife and her brothers. You make certain statements regarding your dealings with L. P. Hudson and ask if it is necessary for you to employ another attorney.

In reply to your letter you are informed that the application made by your wife for the identification of herself and her minor children was consolidated with and made a part of the Mississippi Choctaw case of Susan Bays and certain other persons, applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor. No opinion or decision has yet been reached in this consolidated case; as soon as a decision is rendered the several applicants therein will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. It does not appear that any affidavits made by Sam Perry or Delila Colbert have been filed in this case.

W.H. Remond-4-2

The Commission cannot express any opinion as to your dealings with Mr. L. F. Hudson, nor can it advise you relative to your employing another attorney, as this is a matter that is entirely within your own discretion.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 6062.

Muskogee, Indian Territory, February 3, 1903.

Gertrude Edmond,

Coalgate, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Edmond, et al.	M.C.R. 6062
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam B. Enloe	M.C.R. 6067
Carrie Searoy, et al.	M.C.R. 6345

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Gertrude Emmond,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry M. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Emmond, Alice Emmond, Carrie Emmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date heretofore within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W.B.C.N.E.

Acting Chairman.

Registered.

M C R 6062

COPY:

Muskogee, Indian Territory, July 17, 1903.

Gertrude Hamond,

Colgate, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

JUL 11 1902

Name

Gertrude Esmond.

Age

35

Blood

1/8

Post-Office,

Coulgate I.T.

Father:

John Hulse

d

Mother:

Rachel Hulse

d

Claims through

mother.

Husband.

Wm

Esmond.

L

No claim for husband.

Children:

Alice

Esmond

13

Barrie

"

20 m

Self

and 2 children

Choctaw MCR 6063

John Enloe

See MCR 6060

MCR 6063

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 14th, 1902.

9043.

In the matter of the application of John Nulce for the identification of himself and his minor child, Franklin E. Nulce, as Mississippian Chestaws.

E. Heard, attorney for applicant.

John Nulce, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John Nulce.
Q How old are you? A Twenty-eight years old.
Q How much Chestaw blood have you? A One-sixteenth.
Q What is your post office address? A Hartshorne, Indian Territory.
Q How long have you lived in the Indian Territory? A Lived in the Indian Territory about twenty-seven years.
Q Where did you live before that? A Arkansas.
Q Born there, were you? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A William E. Nulce.
Q Is your mother living? A No sir.
Q What was her name? A Sallie Nulce.
Q Through which one of your parents do you get your Chestaw blood?
A My mother.
Q How old would your mother be if she were living now? A I think she would be about forty-nine years old.
Q Through which one of her parents did she get her Chestaw blood?
A Her mother.
Q What was her name? A Rachel.
Q Rachel - - - A Halsey.
Q Do you know how old Rachel Halsey would be if she were living now? A I don't know, but I think she would be about sixty-nine.
Q Through which one of her parents did she get her Chestaw blood?
A Her mother.
Q What was her mother's name? A Sallie.
Q Sallie what? A Sallie Hopkins was her married name.
Q What was her maiden name? A Thomas.
Q Do you know in what year she was married? A No sir.
Q Do you know the names of her parents? A No sir.

#2.

- Q Do you know how old she would be if living now--this Sallie Hopkins? A No sir, I don't.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
- A Not that I know of.
- Q Are you married? A Yes sir.
- Q Wife living? A Yes sir.
- Q What is her name? A Julia Nulce.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her then? A No sir.
- Q Have you any children living? A I have one child.
- Q What is the name of that child? A Franklin B. Nulce.
- Q How old is he? A Twenty-two months.
- Q Is this the child of yourself and Julia Nulce? A Yes sir.
- Q Have you been married more than once? A No sir.
- Q Has she? A No sir.
- Q You were married to her under a license were you? A Yes sir.
- Q Where? A Arkansas.
- Q When? A We have been married three years; three years in August.
- Q Have you your license with you at this time? A No sir; I have it here at home.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and Julia Nulce for use in connection with the application you make in behalf of your minor child. This evidence should be furnished within a period of fifteen days from to-day if possible.

- Q This application is for yourself and one minor child? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the United States authorities have you? A No sir.
- Q Has any application of any description ever been made before to-day in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and child, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand this fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
- A I don't know.

#3.

- Q Did any of them live in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made? A I don't know.
- Q Were any of them recognized members of the Choctaw tribe at that time? A I don't know.
- Q Did any of them own an improvement there in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there in Mississippi and become citizens of the states and take land? A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I don't know.
- Q Did any of your ancestors to your knowledge ever receive any benefits as Choctaws? A Not that I know of.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I don't know.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
- Q Any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskegee within fifteen days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of your application, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

#4.

Q Any further statements you want to make at this time in support of your application? A No sir.

By the Commission to Mr. Heard:

Q Judge, are there any questions? A No, no questions.

By the Commission to applicant:

Q Do you speak or understand the Chectaw language? A No sir.

The applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has rather dark hair; medium fair complexion; brown eyes; doesn't speak or understand the Chectaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Special reference is hereby made to M C R 6868, Susan Bays et al., the applicants in said case and the applicant in this case being the descendants of a common Chectaw ancestor.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 14th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 31st day of July, 1902.

L. V. Emerson
Notary Public.

M & R 3043

Muskogee, Indian Territory, July 22, 1908.

John Bulch,

Hartshorn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the marriage license and certificate between John G. Bulch and Julia Hurst, which you offer for filing in support of your application for the identification of your self and your minor child as Mississippi Choctaws.

The same has been filed with the record in your case.

Yours truly,

Commissioner in charge.

COPY.

Muskogee, Indian Territory, February 3, 1903.

John Enloe,

Hartshorne, Indian Territory,

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Esmond, et al.	M.C.R. 6082
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam B. Enloe	M.C.R. 6067
Carrie Searcy, et al.	M.C.R. 6345

These applications were made under the provision of the act of Congress of June 25, 1896 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

John Enloe,--8

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry N. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Esmond, Alice Esmond, Carrie Esmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamie Parby.

Acting chairman.

Registered.

N C R 6063

COPY.

Muskogee, Indian Territory, July 17, 1903.

John Enlee,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name John Enloe

Age 28 Blood 1/16

Post-Office, Kartsborne, I. T.

Father: Wm B. Enloe d

Mother: Allie " d

Claims through mother.

wife Julia Enloe. L

No claim for wife.

Children:

Franklin B. Enloe, 22mo

For record as lost

Stenographer

A. G. McMillan

Choctaw MCR 6064

Susan L. McCulloch

MCR 6064

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Susan L. McCulloch, et
al., for identification as Mississippi Choctaws, M.C.R. 6064.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Susan L. McCulloch, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Carl Wright-----	10
Decision of the Commission refusing the ap- plication of Susan L. McCulloch, et al., for identification as Mississippi Choctaws-----	11

-----o-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 24th, 1902.
15th

#4064.

In the matter of the application of Susan L. McCulloch for the identification of herself and her seven minor children, Lula, Wynn D., Samuel S., Jackson B., John W., Joseph B. and David P. McCulloch, as Mississippi Choctaws.

S. W. Isaac, attorney for applicant.

Susan L. McCulloch, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Susan L. McCulloch.
Q How old are you? A Thirty-four.
Q How much Choctaw blood have you? A I don't know just how much I have; I have from my mother and father both.
Q What is your post office address? A Muskogee.
Q Is your father living? A No, he's dead.
Q What was his name? A Wynn Dixon.
Q Is your mother living? A Yes sir, mother's living.
Q What is her name? A Name is Martha--Martha Porter now.
Q You got your Choctaw blood through each of your parents?
A Each of them, yes sir.
Q Where does your mother live? A Where she lives now?
Q Yes? A Clarksville, Texas.
Q Has she appeared before this Commission? A No.
Q How old is your mother? A She's fifty-six or seven; seven or eight, I don't know just exactly, but she's fifty-seven or eight.
Q Where was she born? A I think she was born in Tennessee.
Q She was a slave was she? A No, she wasn't a slave.
Q How do you know? A I have heard her say so.
Q Was your father a slave? A No, my father wasn't a slave.
Q Through which one of her parents did your mother get her Choctaw blood? A Her father.
Q What was his name? A His name was Martin Gordon was his name.
Q What was your mother's mother's name? A Her name was Emeline; Emeline-- -- her first name was Emeline Montgomery; her other name was Emeline Anthony after she was married.
Q How old a man would Martin Gordon be if living now?
A He would be near seventy.
Q Where was he born? A I don't know where he was born; I think he was born in Mississippi.
Q Do you know what county? A No, I don't know what county.

#2.

- Q What makes you think he was born in Mississippi? A Well, from what I heard them say is all I know.
- Q Where did he live during his lifetime--this man Martin Gordon?
- A Well, he lived where he was born some, and I think he lived in Tennessee some.
- Q Through which one of his parents did he get his Choctaw blood?
- A I don't know.
- Q Do you know the names of his parents? A His parents?
- Q Yes? A No, I don't know the names of his parents.
- Q How much Choctaw blood did Martin have? A Well, he must have been more than half from what my mother had.
- Q How much did your mother claim to have? A I haven't heard her say. I have heard her say her father was more than half.
- Q Do you know whether your mother's father and mother were lawfully married? A Yes sir.
- Q They were? A Yes sir.
- Q How do you know they were? A I know from what she said.
- Q How long did they live together as husband and wife? A I don't know.
- Q How many children were born to them? A Only one.
- Q Just your mother? A Yes sir.

Now it will be well for you to furnish the Commission with evidence of the marriage of Martin Gordon and your mother's mother; you will be allowed a period of fifteen days in which to furnish such evidence.

- Q Where was your father born? A My father?
- Q Yes? A I don't know just where he was born.
- Q Where did he live when he died? A He lived in Texas.
- Q How long had he lived in Texas? A I don't know; I suppose he lived there twenty years; I don't know how long he lived there.
- Q Where did he live before that? A Before that he lived so many places; Mississippi, Alabama, Tennessee, so many places I don't know just where.
- Q Through which one of his parents did she get his Choctaw blood?
- A His mother.
- Q How much Choctaw blood did she have? A Well, she must have been half, if not more.
- Q How old would your father be if living now? A About seventy-three; about seventy-two.
- Q Seventy-two past you think? A Yes, about seventy-two.
- Q Was he the eldest child of his mother? A No, he was not the eldest.
- Q How many children older than he? A I don't know how many.
- Q What was your father's mother's name? A Her name was Eliza, but I don't know her christian name--I mean her surname; I only know her christian name--Eliza Dixon I believe.
- Q Do you know whether she was a slave or not? A No, she wasn't a slave.
- Q Did you ever see her? A No.
- Q You don't know whether she had any other name besides Eliza or not--any Indian name? A No, I only heard my father say it was Eliza.
- Q Do you know the name of her father and mother? A No.
- Q Where were you born? A I was born in Texas.
- Q Lived there how long? A Lived there how long? Lived there thirty-three years.

#3.

- Q Been here about a year? A Yes, about a year.
Q Were your father and mother lawfully married? A Yes, I suppose so.
Q How long did they live together as husband and wife? A I don't know.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother. This evidence should be furnished within fifteen days from to-day.

- Q Neither of your parents were ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory were they? A No.
Q Are you married? A I married? Yes sir.
Q Is your husband living? A Yes.
Q Has he any Choctaw blood? A No sir.
Q What is his name? A Jack B. McCulloch.
Q You make no claim for your husband then? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Seven.
Q Name them, the eldest first? A Oldest is named Lula.
Q How old is Lula? A How old? Eighteen.
Q It's a girl is it? A Yes sir.
Q Next one? A Wynn D. McCulloch.
Q D? A D, yes sir.
Q How old is he? A Fifteen.
Q Next? A Samuel S. McCulloch.
Q How old is Samuel S.? A Thirteen.
Q Next one? A Jackson B. McCulloch.
Q How old? A Nine.
Q Next one? A John W.
Q How old is John W.? A Six.
Q Next one? A Joseph D. McCulloch.
Q How old? A Three.
Q What is the next one? A David P.
Q How old is he? A He's three months.
Q These children are all living with you at this time are they? A Yes sir.
Q Are they all the children of yourself and Jackson B. McCulloch? A Yes sir.
Q This application then is for yourself and seven minor children, is that right? A Yes sir.
Q Is your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or any one of these children, to be admitted or enrolled as members of the Choctaw tribe? A Did I ever?
Q Yes? A No sir.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children, under the act of Congress approved June 10, 1897? A No sir.

#4.

- Q Then neither you nor any one of these children have ever been admitted to citizenship in the Choctaw Nation? A No sir.
- Q Has any application of any description ever been made before to-day in your behalf or in behalf of any one of these children for the purpose of establishing your rights as Choctaw Indians?
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and seven minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A I didn't understand that.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and seven minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country they occupied in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who insisted on being permitted to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old Nation might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

#6.

- Q Do you think you understand that fourteenth article? A Yes, I guess so.
- Q Well, if you think you don't understand it clearly, I will explain it so you will have a clear understanding of it?
- A I guess I understand it.
- Q Did any of your ancestors own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty of Dancing Rabbit Creek was made? A An improvement? I don't know.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A What was their names?
- Q Yes? A I don't know what their names was.
- Q Do you know, as a matter of fact, that any of your Choctaw ancestors did live there at that time? A Did live in Mississippi
- Q Yes, seventy-two years ago? A No, I don't know for a positive fact; I think they did though.
- Q Who of them do you think lived there in 1830 when this treaty was made? A I think probably my grandfather might have lived there.
- Q Martin Gordon? A Yes sir.
- Q Do you think any of the rest of them lived there at that time?
- A My father might have lived there then; he lived all around.
- Q But you have no idea where they lived at that particular time?
- A No sir.
- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A No sir, I don't know.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Moved to the present Choctaw Nation?
- Q Yes? A No sir, they didn't move there; they moved to Texas.
- Q Did you ever hear of any of your people ever having received any lands from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A No sir, I never heard of it.
- Q So far as you know then none of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder did they? A So far as I know they never.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and take land; and on this account the government at its public land sales in

Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of 1830 but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not as I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress?
A Not as I know of.
Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A Not as I know they haven't.
Q Don't know whether any of them were recognized members of the tribe in 1830 or not do you? A No sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
A None that I know of, but I could find out.
Q You don't know of any one now? A I don't recall any one right now.
Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir, I don't just know that.
Q Have you any written evidence of any description to offer at this time in support of your application? A To offer at this time?
Q Yes? A No sir.
Q Any witnesses here to-day? A No sir.

7.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

By the Commission to attorney:

Q Do you want to ask any questions? A Yes sir.

By the attorney to applicant:

- Q Mrs. McCullech you claim through your father and mother do you, both of your parents? A Yes sir.
- Q Well have you any idea as to how much Choctaw blood your mother has in her? A Well no, I don't know how much; I guess she has right smart; I have heard her say the amount my father had in him.
- Q You say her father was named Martin Gordon? A Martin Gordon, yes sir.
- Q Did you get any impression from her as to how much Choctaw blood he had? A He must have been more than half I guess.
- Q Well, did you state a while ago where he was born, or what your impression was as to where he was born? A I said I thought he was born in Mississippi; I don't know.
- Q Born in Mississippi? A I think he was.
- Q Well about how old would he be if living now--Martin Gordon? A I don't know; I guess he would be near seventy if he was living.
- Q Well how happened you to get the impression that he was probably born in Mississippi? A Well, heard my mother speak of him and grandmother.
- Q You didn't get an impression as to how long he lived in Mississippi? A No sir.
- Q Not living now is he? A No, he's dead.
- Q Do you know how long he has been dead? A No.
- Q Do you know where he died? A I think in Tennessee.
- Q Did you ever know him? A No sir.
- Q And your father's name was Winn Dixon? A Winn Dixon.
- Q Do you know how much Choctaw blood he had in him? A No, I don't know just how much; he had right smart.
- Q What was he said to be by your mother--those who knew him? A He was said to be about a half I guess, or more than half.
- Q He was mixed with Indian and what else? A Indian and white.
- Q Is he living or dead? A He's dead.
- Q How long has he been dead? A Been dead nine years.
- Q Did he die in Texas? A Died in Texas, yes sir.
- Q Have you any idea as to where he was born? A No sir, I don't know where he was born; I think he was born in Mississippi or Alabama or Tennessee.
- Q Well you don't know how long he lived in those places before he came to Texas? A No sir, I don't know how long.
- Q Well you stated to the Commission a while ago that your father may have lived in Mississippi in 1830; from whom did you get that impression? A Well I got it from him before he died.

40.

- Q Did you get any impression from him or any one that knew him as to whether he was living with his folks or claimed any benefits at that time in Mississippi? A No sir.
- Q Got any impression as to whether his parents claimed any benefits at that time as Choctaws? A No sir.
- Q But you knew that he didn't come away at the time that the Indians removed from Mississippi to the Choctaw Nation, Indian Territory? A I know that he didn't move to the present Indian Territory.
- Q Your mother's father may have also lived there at that time? A Yes sir, he may have.
- Q Is that your impression that you got from your mother? A Yes sir.
- Q You never did get any impression from your mother as to whether your grandmother on your mother's side, or your father, claimed any benefits as Indians at that time in Mississippi? A No sir, I never got any.

By the Commission:

- Q You don't speak or understand the Choctaw language do you? A No sir.
- Q Have you any brothers living? A No sir.
- Q Any sisters? A Yes sir, I have one sister.
- Q What is her name? A Her name is Laura McNaughten.
- Q Is she a full sister of yours? A No sir.
- Q Same father or same mother? A Same father.
- Q Has she been before this Commission? A No sir, I don't think she has.
- Q Have you any brothers or sisters or half brothers or half sisters dead? A Yes sir, I have two brothers dead.
- Q Did either of them leave children? A Yes sir, one of them left children.
- Q What was the name of your deceased brother who left children? A His name was Jake Dyer.
- Q Was he a full brother of yours? A No sir, only half.
- Q Have the same mother or same father? A Same mother.
- Q How many children did he leave? A He left three.
- Q Are they all living now? A Yes sir.
- Q What are their names? A William Dyer and Joseph Dyer and Francis Dyer.
- Q Did your father ever have any brothers or sisters? A Yes sir, he had some, but I don't know much of them.
- Q Do you know the names? A I only know one, had a sister named Jane.
- Q Named Jane? A Yes sir.
- Q Is she living? A No sir, she's dead.
- Q What was her other name? A Jane Henry.
- Q Did she leave any children? A Yes sir, she left some children but I don't know anything of her children at all.
- Q Do you know their names? A No sir.
- Q Your father never had any other brothers or sisters to your knowledge? A He had some but I don't know anything about them.
- Q You don't know the names of any of them? A No sir.
- Q Do you know whether any of them left descendants? A No sir.
- Q Did your mother ever have any brothers or sisters? A She had

40.

- Q Some sisters--half sisters.
Q Same father or same mother? A Same mother.
Q Are any of these half sisters living? A Yes sir.
Q How many? A Three of them living.
Q Give us their names--their married names? A Their married names?
Q Married names if they are married? A Tennie Walker and Ellen Brewer and Emma Dellums.
Q Have they been before this Commission? A No sir, I guess not; not that I know of.
Q Now are any of her sisters dead who left children? A No sir.

This applicant has the appearance of being possessed of negro, white and Indian blood; her hair is inclined to be straight; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 25th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 31st day of July, 1902.

Guy L. V. Emerson
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 27, 1902.

In the matter of the application of Susan L. McCulloch et al., which she makes for herself and minor children for identification as Mississippi Choctaws.

S. W. Isaac (not present), Attorney for applicant.

Mingo In-po-nubbee, a witness, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mingo Inponubbee.
Q How old are you? A Seventy one.
Q Where do you live now? A Mississippi.
Q What is your post office address, where you get your letters?
A Paulding Jasper County.
Q I thought you lived here in the Indian Territory? A Yes sir
I live here now.
Q Where do you live here in the Indian Territory? A Down here
at South McAlester.
Q That's where you get your mail at South McAlester? A Yes.
Q How long have you lived at South McAlester? A Four weeks now.
Q Where did you come from? A Mississippi.
Q Have you always lived in Mississippi until you went to
South McAlester? A Yes.
Q Where did you live in Mississippi? A Jasper County.
Q Always lived in Jasper County? A Always lived in Jasper
County.
Q Do you know Susan L. McCulloch this woman who has made appli-
cation? A Yes I know her.
Q Well now she has made application to be identified as a
Mississippi Choctaw and also made application for her children
Q Do you know anything about whether she has Choctaw Indian
blood or not? A Yes.
Q She has? A Yes.
Q How much Choctaw blood has she? A She half.
Q She's half Choctaw blood? A Uhuh.
Q How old is she? A I can't tell exactly.
Q What was her father's name do you know? A Her great grandfath-
er?
Q No her father. A Wynn Dixon.
Q What was her mother's name? A Liza Dixon.
Q She gave the name as Martha Porter; do you know anything about
that now? You don't know Martha Porter? A No sir.
Q Do you know whether she got her Choctaw blood from her father
or mother or both? A Her mother I think.
Q From her mother you think? A Yes.
Q You don't know her mother do you? A Yes.
Q Who is her mother? A Liza Dixon.
Q In her application which she made July 15th she said her
father was Wynn Dixon and her mother was Martha Porter; is
her mother living now? A No sir.
Q Well Martha Porter is living now; you don't know about her
mother do you? A I know her.
Q I'm talking about her mother; I'm not talking about her grand-
mother; when she made application she said she got her

- Choctaw blood through both her father and mother? A Yes.
- Q You say through her mother; did Wynn Dixon have any Choctaw blood? A Yes.
- Q I asked you if Wynn Dixon had any Choctaw blood? A Yes he got Choctaw blood.
- Q How much did Wynn Dixon have? A Half I think; that's right.
- Q Do you know the grandfather or grandmother of Susan McCulloch? A Yes.
- Q You knew them both did you? A Great grandmother is it.
- A I asked about the grandmother; do you know anything about the grandmother of Susan McCulloch; who do you know; go back as far as you can. A Joe Dixon and Liza Dixon.
- Q Who was Joe Dixon? A Joe Dixon was a white man.
- Q Well was he related to Susan McCulloch? A I dont know the exact time but I see heap times but I cant tell his name; I see him heap times.
- Q You dont know that do you? A I know it; I seen heap times.
- Q Joe Dixon was a white man you say; is that right? A That's right.
- Q Do you know whether Joe Dixon this white man was kin to Susan McCulloch or not? A Yes.
- Q What kin? A Grand daughter aint it.
- Q I dont know. A Yes that's it.
- Q Can you give any other kin of Susan McCulloch who had any Choctaw blood? A Yes.
- Q Who? A Wynn Dixon.
- Q That's her father; you have already spoken about him; any others? A That's all I know; he's a half.
- Q Who's a half, Wynn Dixon? A Yes sir.
- Q Did he live in Mississippi? A Yes.
- Q Did you know him in Mississippi? A Yes
- Q Where? A I Mississippi; I cant call the name.
- Q Where did you know in Mississippi Wynn Dixon -- whereabouts -- in Jasper County? A In Mississippi, in Newton County and Jasper County.
- Q How long ago? A I knew him a long time when we were boys.
- Q Did you ever talk with him about his Choctaw blood? A Yes.
- Q Did he speak Choctaw? A Yes.
- Q Wynn Dixon did? A Yes sir.
- Q Are you sure it's the father of Susan McCulloch? A Yes.
- Q How do you know? A I've seed him.
- Q Did Wynn Dixon go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi take land there and become citizens of the states; do you know?
- A I dont understand the American language.
- Q Did you ever hear of Colonel Ward? A Yes.
- Q Who was Colonel Ward? A Colonel Ward -- it's been a long time; I cant tell.
- Q Whowas he? A I cant tell you.
- Q Did you ever hear of the treaty of 1830? A I heard that.
- Q Did Wynn Dixon live in Mississippi? A Yes.
- Q In 1830? A Yes.
- Q Seventy two years ago? A Yes.
- Q You dont know whether he lived there seventy two years ago or not do you? A I can't hear good; there's so much fuss.
- Q You dont know whether he lived there seventy two years ago or not? A No I dont.
- Q You dont know whether he lived in Mississippi in 1830 and was the head of a family?

- A O yes.
- Q Now Mingo you don't know anything about it. Do you understand me? A I don't understand you.
- Q You know how to count do you? A Yes, know how to count.
- Q You know you are seventy years old? A Seventy one.
- Q I asked you if her father Wynn Dixon - her father lived in Mississippi seventy two years ago; that's one year before you were born? A I heard.
- Q Who told you so. A I heard daddy.
- Q Do you know whether he had a family living with him in Mississippi in 1830; he was about your age wasn't he; wasn't Wynn Dixon about your age? A Yes.
- Q He wasn't much older was he? A No.
- Q He wasn't married and had a family in Mississippi in 1830; how could he; you are now only seventy one and this fellow was about your age you say. A Yes I just heard it.
- Q You couldn't have heard any such foolish thing as that Mingo.
- A I cant speak American good.
- Q You are here to testify and do the best you can; if Wynn Dixon was about your age and you are only seventy one years old then Wynn Dixon couldn't have lived in Mississippi in 1830 which was only seventy two years ago and been married and head of a family there then? A No; I cant understand anything like that.
- Q You understand now dont you? A Yes I understand that.
- Q He wasn't married in 1830 was he? A No; I tell you I cant understand that language.

Examination by J.B. McCulloch husband of applicant.

- Q Did you know my wife's grandparents? A Yes.
- Q What are their names? A Joe Dixon and Liza Dixon.
- Q Did they live in Mississippi? A Yes they did.
- Q Was they living together as man and wife? A Yes.
- Q Did they have any children? A Yes.
- Q What children had they; how many children had they? A Two.
- Q What were their names? A Wynn and Jim.
- Q Do you know whether Eliza Dixon and Joe Dixon ever got any land in Mississippi? A No sir; none at all.
- Q Did they ever attempt to get it? A Yes they tried to get it but ---
- Q Did they try to get it before the six months were up? A Yes.

Examination by the Commission:

- Q You say you knew Joe Dixon? A Yes.
- Q And Eliza Dixon? A Yes.
- Q Who was Eliza Dixon; did she marry Joe Dixon? A Yes they were man and wife.
- Q Were they married and lived in Mississippi in 1830?
- A I cant understand you good.
- Q Do you know whether they lived in Mississippi in 1830 or not; seventy two years ago? A Yes I think they were.
- Q Was Joe Dixon much older than you? A O yes.
- Q He could have been married in Mississippi and living there in 1830? A Uhuh, yes.
- Q Was Wynn Dixon, Joe Dixon's son? A Yes and Jim Dixon.
- Q Did Joe Dixon or Wynn Dixon or any other Choctaw ancestor of Susan McCulloch live in Mississippi or Alabama in the old Choctaw Nation in 1830 and take land from the government, live on it for five years and then get a deed of it or patent of it.

- A Over there?
- Q Yes.
- A No, nary foot of land.
- Q Never got any patent of any land? A No sir.
- Q Did any of them leave that old Choctaw nation and come to the Indian Territory at any time? A No.
- Q Did any of them comply with article fourteen of the treaty of 1830; you know I explained that article fourteen to you the other day? A No they didn't.
- Q Do you know whether any of them received any scrip from the government? A No.
- Q Did Joe Dixon or his son Wynn or or any other Choctaw ancestor of Susan McCulloch go before the Commission appointed by act of Congress in 1837 or another Commission appointed by act of Congress in 1842 and prove any rights under article fourteen of the treaty of 1830; you never heard of that?
- A Yes I've heard of it but I don't know.
- Q You don't know about that? A Yes I heard it but I don't know.
- Q What did you hear Mingo? A I heard from my daddy.
- Q What did your daddy tell about it? A I never did listen.
- Q Well did your daddy tell you about that commission in 1837 or 1842? A The Rabbit Dance?
- Q No not the Rabbit Dance but the commission afterwards. A No.
- Q What relation was Joe Dixon to Susan McCulloch - grandfather, great grandfather, great great grandfather or what?
- A Yes. Uhuh.
- Q You don't say anything only just grunt and you don't answer my questions. A I don't understand; there's too much fuss.
- Q Cant you say that; when you don't understand say "I don't understand"; but you don't do that; you grunt something and I don't know what you mean. A I know something about it but I don't understand you.
- Q Do you know what Kin Joe Dixon was to this applicant?
- A Uhuh.
- Q What do you mean by that; do you know? A Yes.
- Q What kin was he; was he a grandfather or a great grandfather or a great great grandfather? A Great great grandfather.

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Examination by J. B. McCulloch husband of applicant:

- Q What was the name of the grandparents of Susan McCulloch.
- A Joe Dixon.
- Q Who was Wynn Dixon and James Dixon's father and mother?
- A Joe.
- Q What was their mother's name? A Eliza Dixon.
- Q That was the grandparents of Susan McCulloch? A Yes; I guess so; I don't know. I told you I can't understand American language.

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Clara Mitchell Wood being first duly sworn upon her oath states that she reported the proceedings had in the above entitled cause on the 27th day of October 1902 and that the above is a true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 28th day of October 1902,

Charles L. Sawyer

Notary Public.

COPY.

Chas.
C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susan L. McCulloch,
et al., for identification as Mississippi Choctaws, M.C.R. 6064.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Susan L. McCulloch for herself and her seven minor children, Lula, Wynn D., Samuel H., Jackson B., John W., Joseph D. and David P. McCulloch, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make reports to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Eliza Dixon, who is alleged to have been possessed of Choctaw blood, degree thereof not positively stated, and of Martin Gordon who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Eliza Dixon, or Martin Gordon, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1845, (6 Stats., 613).

It is therefore the opinion of this Commission that the

-3-

evidence herein is insufficient to determine the identity of Susan L. McCulloch, Lula McCulloch, Wynn D. McCulloch, Samuel B. McCulloch, Jackson B. McCulloch, John W. McCulloch, Joseph D. McCulloch and David P. McCulloch, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tams Dixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 2 1903

Miss. Choctaw 6064

Muskogee, Indian Territory, October 17, 1902.

Susan L. McCulloch,

Muskogee, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 6, inclosing affidavit of Carl Wright relative to the marriage of Wyn Dickson and Martha Porter, your father and mother, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

M C R 6064

Muskogee, Indian Territory, January 28, 1903.

A. W. Jones,
Attorney-at-law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., in which you request that you be furnished a copy of the testimony given by Susab McCulloch in the matter of the application made by her for the identification of herself and minor children as Mississippi Choctaws.

Replying to your letter you are informed that S. W. Isaac appears as attorney of record for this applicant and a copy of the testimony as given in this case was delivered to him on August 2, 1902. The Commission cannot spare from its files other copies of this testimony.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan L. McCulloch, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan L. McCulloch, Lula McCulloch, Wynn D. McCulloch, Samuel S. McCulloch, Jackson B. McCulloch, John W. McCulloch, Joseph D. McCulloch and David P. McCulloch, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 3, 1903.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan L. McCulloch, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan L. McCulloch, Lula McCulloch, Wynn D. McCulloch, Samuel S. McCulloch, Jackson B. McCulloch, John W. McCulloch, Joseph D. McCulloch and David P. McCulloch, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file

S. W. I. # 2.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 3, 1903.

Susan L. McCulloch,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan L. McCulloch, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan L. McCulloch, Lula McCulloch, Wynn W. McCulloch, Samuel S. McCulloch, Jackson B. McCulloch, John W. McCulloch, Joseph D. McCulloch and David P. McCulloch, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, to-

S. L. McC. # 2.

gether with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Jamies Bixby.

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Susan L. McCulloch, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 3, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Thomas H. Jones
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6064

COPY
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land 12792-1903.

May 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Susan L. McCulloch for herself and her seven minor children, Lula, Wynn D., Samuel S. Jackson B., John W., Joseph D. and David P. McCulloch, for identification as Mississippi Choctaw, wherein a decision adverse to the applicants was rendered by the Commission February 4, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Martin Gordon and Eliza Dixon, through Winn Dixon and Martha Porter (nee Gordon), it being claimed that Martin Gordon and Eliza Dixon were citizens of the Choctaw Nation and residents in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the

provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to Martin Gordon and Eliza Dixon and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts, it is respectfully recommended that the decision of the Commission rejecting the applicants, be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

C.T.C.

COPY.
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCT

D. C. 16725
ITD, 4620-1903.
IRS.

June 3, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 19, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Susan L. McCulloch and her minor children, Lula, Wynn D. Samuel S. Jackson B., John W., Joseph D. and David P. McCulloch. By decision dated February 3, 1903, you refused the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Martin Gordon and Eliza Dixon, Wilm Dixon and Martha Porter (nee Gordon), parents of the principal applicant, it being alleged that Martin Gordon and Eliza Dixon were Choctaw Indians and residents of the Choctaw Nation in Mississippi in 1830.

Neither the evidence in this case nor the records of the Indian Office show that any one of the alleged ancestors of the applicants complied or attempted

to comply with the provisions of article 24 of said treaty or with the subsequent acts of Congress relating thereto.

Reporting May 23, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(signed)

THOS RYAN.

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, July 15, 1903.

Mansfield McFarrey & Gormish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3rd day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Susan L. McCulloch et al., of which decision you were advised by mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Neçâles.

Commissioner in Charge.

M C R 6084

COPY

Muskogee, Indian Territory July 18, 1903.

Susan L. McCulloch,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 3rd day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Susan L. McCulloch et al., of which decision you were advised by registered mail on the 3rd day of February, 1903.

Respectfully,

(SIGNED)

T. B. Neccles.

Commissioner in Charge.

M C R 6064

Muskogee, Indian Territory, July 18, 1903.

S. W. Isaac,
Attorney at law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 3rd day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Susan L. McCulloch et al., of which decision you were advised by registered mail on the 3rd day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name ~~_____~~
Susan L. McCulloch

Age 34 Blood don't know

Post-Office, Muskege, A.T.

Father: Minn Dixon d

Mother: Martha Porter L

Claims through both parents.

Husband Jack B. McCulloch L

No claim for husband.

Children:

Lula McCulloch F 18

Wynn D. " M 15

~~Stewart~~

Samuel S. " M 13

Jackson B. " M 9

John W. " M 6

Joseph D. " M 3

~~David P.~~

David P. " M 3mo.

A. L. McCallister

Received of the Commission of the Fair Civilized
Tribes one Copy of Testimony in M. C. R. No.
6064.

S. W. Isaac

Muskogee, Ind. Ter.
Aug 2, 1902.

Choctaw MCR 6065

Elizabeth Rhoads

See MCR 6066, 6067, 6146

MCR 6065

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Rhoads, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Elizabeth Rhoads, et al.,	M. C. R. 6065
John E. Rhoads, et al.,	M. C. R. 6066
James W. Rhoads, et al.,	M. C. R. 6067
Josie Morris, et al.,	M. C. R. 6146

List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of
Elizabeth Rhoads, et al.

	Page.
Original application of Elizabeth Rhoads, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Original application of John E. Rhoads, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	10
Certified Copy of marriage record between J. E. Rhodes and Annie Duncan,.....	15
Original application of James W. Rhoads, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	16
Certified copy of marriage record between J. W. Rhoads and M. L. Thaxton,.....	21
Original application of James W. Rhoads, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	22
Marriage record between F. M. Morris and Josie Rhoads,.....	29
Decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Missis- sippi Choctaws in the consolidated case of Elizabeth Rhoads, et al.,.....	30

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskeges, Indian Territory, July 16, 1902.

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In the matter of the application of Elizabeth Rhoads for the identification of herself and her two minor children Morgan and Georgia Rhoads as Mississippi Choctaws.

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Applicant represented by Watkins & Rampendahl, Attorneys at Law.

Elizabeth Rhoads being first duly sworn testified as follows:

- Q What is your name? A Elizabeth Rhoads.
Q How do you spell that last name? A R-h-o-a-d-s.
Q How old are you? A I'm going on fifty five years; I'm fifty-four years old.
Q How much Choctaw blood have you? A One quarter.
Q What's your post office address? A Willis, Indian Territory.
Q What nation? A Chickasaw.
Q How long have you lived in Indian Territory? A I come to the Territory in 1893.
Q Where did you live before you came here? A In Texas. Came from Alabama and stayed in Texas a while and then came to the Indian Territory.
Q Where were you born? A Alabama.
Q What county? A Meringo.
Q Meringo County Alabama? A Yes sir.
Q Is your father living? A No sir; he's dead.
Q What was his name? A Sanders - Charles Sanders.
Q Is your mother living? A No sir; she died when I was small.
Q What was her name? A Nancy Sanders; she was a Gilmore before she married father.
Q Through which one of your parents do you get your Choctaw blood? A My mother side.
Q How old would your mother be if she were living now?
A Well I suppose she would be away along up towards seventy; she died when I was young.
Q Were you her oldest child? A Yes sir.
Q Where was she born? A In Alabama.
Q You don't remember the year in which she was born? A No sir I don't remember what year she was born in but she died when I was going on six years old and she was married when she was sixteen.
Q Through which one of her parents did she get her Choctaw blood? A Her father; my grandfather.
Q What was his name? A Stephen M. Gilmore.
Q What was your mother's mother's maiden name? A Jane Robinson
Q Where was this man Gilmore born? A In Alabama.
Q What county? A Meringo County.
Q How much Choctaw blood did he have? A He was half; he's said to be half; I heard him say he was half.
Q When did he die? A He died in '96. And he lived to be ninety four.
Q He was born in 1802 was he? A Yes sir.

Elizabeth Rhoads--2.

- Q Did he have any Choctaw name? A Choctaw name?
- Q Yes. A Yes sir.
- Q What was his Choctaw name? A It was Wilmore; he lived right there in the Choctaw and raised his family and died there.
- Q In what county in Alabama? A In Merigene County.
- Q All his life? A Yes sir.
- Q How far from the Tom Bigby River did he live? A I don't know exactly how far it was; there was the Alabama River and the Tom Bigby river right both there right across by.
- Q Which way was his place from the Tom Bigby river. A I don't know what course it was although I been there and have lived there.
- Q How far from the Mississippi line? A Not very far; it wasn't very far from there to the Mississippi line.
- Q Do you know the names of Stephens father and mother? A No sir I don't know their given names.
- Q Which one of them was Indian? A Grandpa's side.
- Q His father or his mother? A I don't know which one it was. It was his father I think; I don't recollect whether it was or not.
- Q How many children were born to your mother's mother and Stephen Gilmer? A Seven.
- Q How long did they live together as husband and wife?
- A Sir.
- Q How long did they live together as husband and wife?
- A Well a good many years; they raised my uncles and aunts and mother to be grown and married and some of the family died after they was grown before they was ever married.
- Q Do you know whether they were lawfully married? A Yes they was lawfully married?
- Q Have you any evidence of that fact? A None only my own evidence that I know it to be so; I've heard them say so.
- It will be necessary that you furnish the Commission with proper evidence of the marriage of your mother's father and mother and you will be allowed a period of fifteen days from today within which to offer such evidence.
- Q Was your mother ever a recognized or enrolled member of the Choctaw tribe of Indians? A Yes sir I think so.
- Q Where? A There in Alabama.
- Q She never was in Indian Territory? A No sir she died in Alabama.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir.
- Q What's his name? A Rhoads.
- Q His given name? A John Rhoads.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children living who are unmarried and under twenty one years of age? A I've got two.
- Q What are their names? A Morgan Rhoads and Georgia Rhoads.
- Q G-e-o-r-g-e? A G-e-o-r-g-i-a, a girl.
- Q How old is Morgan? A He's eighteen.
- Q How old is Georgia? A She's sixteen.
- Q Are these children living with you at this time? A Yes sir.
- Q They are the children of yourself and John Rhoads? A Yes sir.
- Q This application then is for yourself and two minor children.
- A Yes sir.
- Q Have you any children living who are of age? A Yes sir.
- Q How many? A Three and two's five.
- Q Five? A Yes sir.
- Q What are their names; give us their married names if they are girls and married.

Elizabeth Rhoads--3.

- are girls and married.
- A You want to commence at the oldest boy that's married?
- A Yes.
- A John M. Rhoads, James W. Rhoads, Mary Alice Rhoads, Jessie Annie Rhoads.
- Q The next one? A Robert S. Rhoads.
- Q Are these girls married? A Yes sir.
- Q What are their married names? A Morris.
- Q Both of them married Morris. A Yes sir.
- Q Have these children who are of age been before this Commission? A Yes sir.
- Q Have they already given in their names? A No sir.
- Q None of them have? A No sir.
- Q Are any of them here today? A No sir; only these two boys; none but John and James.
- Q Is your name or the name of either of these two minor children for whom you make application to be found upon any of the Choctaw tribal rolls in Indian Territory? A I suppose so.
- Q What makes you think so? A Because they was counted to be Choctaws.
- Q You have never made any effort to have your names put on the rolls? A No sir; this is my first effort.
- Q Well they can't very well be there if you never made any effort to put them there? A No sir; this is my first effort -- first effort and hard work to be here this time.
- Q Did you ever make application for yourself or either of your two minor children to the Choctaw tribal authorities in Indian Territory to be admitted to or enrolled as members of that tribe? A No sir I never have before; this is my first effort.
- Q This is the first application of any description you have ever made for the purpose of establishing your rights as a Choctaw? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article fourteen of the treaty of Dancing Rabbit Creek?
- A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country they then occupied to a new country west of the Mississippi, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory. At the time this treaty was made some of those Indians were unwilling to leave the old Choctaw Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions Choctaws who preferred to remain back there in the old Choctaw Nation in Mississippi and Alabama and not now a cut west might receive land back there from the government. It is as follows:

Elizabeth Rhoads--4.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understad that fourteenth article clearly?
A Yes sir; I cant recollect it though all like you.
Q Do you think you understand the article? A Yes sir I think I understand it.
Q You think you understand what would constitute a complianc with its provisions do you? A I think I do.
Q Did any of your Choctaw ancestors or forefathers own an improvement in what constituted the old Choctaw Nation in Mississippi and Akabama in 1830 when this treaty was made; that was about seventy two years ago.
A Yes sir my grandfather was living right in there with the Choct aw and owned a place.
Q Stephen Gilmore? A Yes sir.
Q You are sure he was living there at this particular time 1830? A I know he was.
Q How do you know? A I was there in 1830.
Q That's seventy two years ago. A O, that was before I was born; yes my grandfather was living right there in old Alabama when I was born.
Q Well do you know whether he was living there in 1830 or not?
A Yes I'm confident he was.
Q That was probably before your mother was born.
A Yes sir right there; I never heard them talk about being any where else only right there in that country right close to Mississippi. p
Q Do you know whether your grandfather Stephen Gilmore or any other of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi let the Choctaws know that they wanted to stay in Mississippi become citizens of the states and take land? A yes sir; I've heard my grandfat her talk about it.
Q What did you ever hear him say about it.
A Well I heard him say he would rather stay there than to come off and he stayed and he owned some land there; had a place there and lived and died right there.
Q He owned the place he was on did he? A Yes sir.

- Q Do you know how he got that place? A He bought it I guess.
- Q Do you know who he bought it from? A No sir; I don't know who he bought it from but he had the land.
- Q Do you know where he bought it? A He bought it where he was living there where he used to live and bought the land years ago when he was young like.
- Q How much land was there in that tract? A There was somewhere about a hundred and fifty acres of it.
- Q You never heard of his having that land given to him by the government of the United States did you? A No sir I never heard of it being given to him.
- Q Did you ever hear of any of your ancestors ever having received any land from him in the old Choctaw Nation in Mississippi and Alabama from the government of the United States under this treaty of Dancing Rabbit Creek? A I don't think they ever gave them any but they might have done it, you see I was young.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register them and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay there and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were appointed by the President of the United States and they went to Mississippi between 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights? A I think so.
- Q What makes you think so? A I think Grandpa did.
- Q Where was the commissioner sitting when your grandfather appeared before him? A I don't recollect and I ain't going to tell no story.
- Q What makes you think your grandfather appeared before these commissioners? A Well by his being there and having the place and hearing him talk about being there.
- Q He told you about appearing before these commissioners?
- A Yes sir I've heard him talk about it.

Elizabeth Rhoads--6.

- Q When did he tell you that? A When I was young; I left there and came to Mississippi and stayed there a while before my grandfather died and then I came to Texas and stayed there a while and then came on home in '93.
- Q Where did your grandfather tell you he appeared before these commissioners? A I dont know what place it was; it was right there at old Choctaw I guess, right close to where he lived. Did he tell you ~~about~~ the names of any of these Commissioners before whom he appeared? A No sir.
- Q Did he tell you about when it was he appeared before them? A No sir.
- Q Did he tell you why he appeared before them? A No sir; he never told me why he appeared before them.
- Q What further in regard to this matter did he tell you? What else did he tell you about this matter? A I've heard him talk about that and having a place there and that he owned a right.
- Q I want to know everything he told you about appearing before these commissioners; have you told us everything he told you about it? A Before the Commissioners -- well I dont recollect all of it.
- Q You have told us all you remember of what he told you about appearing before the Commissioners? A All I recollect is that he said he was before them and heard him talk when I was a girl.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of; I dont know whether they ever got any or not.
- Q You never heard of any of your ancestors ever having received any benefits as such did you? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A Yes there's old neighbors there who knowed my grand father.
- Q What's the name of these people? A J. D. Smith, and Mary Morgan.
- Q What's the post office address of these people? A Thomasville, Alabama, Meringo Comty.
- Q You dont know of anyone else who would likely know about this matter do you? A Yes sir there's several people back there that knew my grandfather.

Elizabeth Rhoads--7.

- Q What's the name of some of them? A Downey, Samuel Downey, Harrison.
- Q Harrison, who? A I don't know his initials, J.H. Harrison, and the Justice of the Peace.
- Q You think these people whom you have named would know whether your grandfather complied or attempted to comply with the fourteenth article of the treaty of Dancing Rabbit Creek or received any land thereunder? A I think if he did they know and they would say so.
- Q You don't know whether they have any information on this point or not do you? A No I never heard them say; you see I been away from there a good long while.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors complied with the provisions of this fourteenth article of ever received any benefits under it? A No sir I don't.
- Q You have no written evidence to offer at this time in support of your application have you? A No.
- Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from today and their testimony will be taken or if you should find any written evidence which you desire to offer before the Commission such proper written evidence as may be presented within fifteen days will receive the consideration of the Commission.

Examination by Mr. Rampendahl, Attorney.

- Q Please state whether or not you know from family records and history whether your grandfather Stephen Gilmore was born in Alabama? A Why yes sir he was born there.
- Q And whether he died there? A Yes sir he died right there.
- Q How old was your grandfather when he died? A He was ninety four years old.
- Q What year did he die in? A Ninety six.
- Q Please state what towns were close to his home? A There was Nanafalia, Grove Hill; there's Pine Hill right close to my grandfather.
- Q How close was the home of your grandfather to the Mississippi line or about how far? A It wasn't very far.
- Q Please state whether your father Charles A. Sanders ever lived in Mississippi? A Yes sir he lived right there and died.
- Q Was your father Charles A. Sanders living in the year 1830?
- A No sir he was born in -- somewhere about thirty.
- Q How old was he when he died? A He was forty seven years old; I think; I'm confident he was.
- Q What year did he die? A In sixty two.
- Q He must have been living in the year 1830 then? A Well he died in '62, the second year of the civil war.
- Q Do you know as a matter of fact from family history or record or in any way whatever whether Charles A. Sanders was a Choctaw? A Yes sir.
- Q Do you know whether or not he was holding any land in Mississippi as a Choctaw? A No sir he wasn't holding any land.

- Q Could your grandfather Stephen Gilmore speak the Choctaw language? A Yes sir.
- Q What knowledge have you of that fact? A Why I've heard it.
- Q Was he generally recognized as a Choctaw Indian in the community in which he lived? A Yes sir.
- Q Are there any other facts that you ever heard him state in your presence in regard to his rights as a Choctaw in the nation? A Yes sir I heard him say he was a Choctaw Indian and that he had a place there and was living there. And was a Choctaw Indian or half; he wasn't full blood.

Examination by the Commission.

- Q According to your testimony and cross examination it appears that you got your Choctaw blood from both your father and your mother? A Yes sir.
- Q Then each had the same amount of Choctaw blood did they?
- A Yes sir, my father's mother was my grandfather's sister on my mother's side.
- Q Through which one of his parents did Charles Sanders get his Choctaw blood? A Mother.
- Q What was her name? A Cynthia Sanders - Robinson it was.
- Q She was a sister of Stephen Gilmore? A Grandma on my father's side was Gilmore.
- Q She was a sister of Stephen Gilmore? A Yes sir.
- Q Was she older or younger than Stephen? A She was younger.
- Q How much younger? A She was next to him. I've heard them talk a whole lot ; then on my grandmother's side -- on my mother's side my grandmother she was a Robinson and they claimed Choctaw - to be Choctaw ; on my mother's side - the Robinson; now my grandfather married a Robinson and they had Indian blood in them.
- Q Stephen Gilmore married a Robinson? A Yes sir.
- Q How much Choctaw blood did your mother's mother have?
- A A quarter.
- Q Stephen Gilmore's wife was a quarter blood Choctaw? A Yes sir and he was half.
- Q Was she older or younger than Stephen? A She was younger than Grandpa.
- Q Do you know about how much younger? A Some younger I don't know how many years; not very many thought. She didn't die of old age; she sickened and died.
- Q Her maiden name - surname was Robinson? A Yes sir.
- Q What did you say her given name was? A Jane.
- Q Through which one of her parents did she get her Choctaw blood? A I don't recollect that far back.
- Q Have you any brothers living? A No sir.
- Q Any sisters living? A I got one sister.
- Q What is her name? A Virginia Pope.
- Q Has she been before this Commission? A No sir; she lives in Alabama.
- Q Have you any brothers or sisters dead? A Yes I got an own sister dead and three half brothers living back in Mississippi there close to where my father died.
- Q What are their names? A Sanders.
- Q Their given names? A Stephen M. Sanders, John Jordan Sanders and Charlie Sanders. They was my half brothers? A Yes sir.
- Q Did these deceased sisters leave any children she left one little girl.
- Q Is that child living now? A Yes sir.
- Q What's the child's name? A May Sanders. She married Sanders.
- Q Have you any brothers dead who left children? A No sir.

Elizabeth Rhoads—?

- there was no brothers; just us three girls and my youngest sister's dead and left one little girl and she's thirteen years old.
- Q Are any of your mother's brothers or sister living at this time? A No sir; she's just got one lone half brother living.
- Q What's his name? A John Gilmore. My his last wife.
- Q John Gilmore was my mother's half brother.
- Q Has John Gilmore been before the Commission? A No sir he has not.
- Q How did any of your mother's deceased brothers or sisters leave children? A No.
- Q None that you know of? A Not that I know of; one of my aunts left one girl is all I know of.
- Q What was this aunt's name? A Katie Deaton.
- Q Do you know the name of her child? A Nellie I think her name is.
- Q About how old would this child be if she was living? A She would be about twenty five years old to the best of my knowledge.
- Q You have stated you dont know whether this child is living or not? A She was living the last I knowed of her; I dont know.
- Q Did your father ever have any brothers or sisters? A He had two half brothers.
- Q What were their names? A One was John Sanders and the other Anderson Sanders; two half sisters one Elizabeth Sanders and the other Rhoda Ann Sanders.
- Q Did either of them have Choctaw blood? A Not that I know of I dont reckon they did because they was half brothers.
- Q You dont speak or understand the Choctaw language do you? A No sir I dont talk it

—O—

This applicant has the appearance of being a white woman shows no indications of being possessed of Indian blood; she has black hair, rather dark complexion and gray eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her or any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

—O—

An examination of the records in the possession of the Commission containing the names of persons who complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek fails to disclose the name of any of the ancestors of this applicant.

—O—

Clara Mitchell Wood being first duly sworn upon hereath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 15th day of July 1902 and that the above is a true transcript of her stenographic notes in said cause on said date.

Subscribed and sworn to before me this 24 day of July 1902.

Guy L. Emerson
Notary Public.

COPY.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application of Elizabeth Rhoads, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Elizabeth Rhoads, et al.,	M. C. R. 6065
John E. Rhoads, et al.,	M. C. R. 6066
James W. Rhoads, et al.,	M. C. R. 6067
Jessie Morris, et al.,	M. C. R. 6146

DECISION

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by Elizabeth Rhoads for herself and her two minor
children, Morgan and Georgia Rhoads; by John E. Rhoads for
himself and his three minor children, Lula D., Irene and
Charley Rhoads; by James W. Rhoads for himself and his two
minor children, Jewel and Clifford Rhoads; and by Jessie Morris
for herself and her four minor children, Lizzie May, Edgar Lee,
Jessie U. and Davis Henry Morris, under the following provision
of the act of Congress approved June 28, 1898 (30 Stats.,
495):

"Said Commission shall have authority to
determine the identity of Choctaw Indians claiming
rights in the Choctaw lands under Article Fourteen
of the Treaty between the United States and the
Choctaw Nation, concluded September twenty-seventh,

eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Cynthia Sanders (or Robinson) nee Gilmore, who is alleged to have been a Choctaw Indian, (degree of blood not stated), and Stephen M. Gilmore, who is alleged to have been an one-half blood Choctaw Indian, and Jane Gilmore, nee Robinson, who is alleged to have been an one-fourth blood Choctaw Indian, the two latter of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article

fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Cynthia Sanders (or Robinson) nee Gilmore, or Stephen M. Gilmore, or Jane Gilmore, nee Robinson, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Rhoads, Morgan Rhoads, Georgia Rhoads, John E. Rhoads, Eula D. Rhoads, Irene Rhoads, Charley Rhoads, James W. Rhoads, Jewel Rhoads, Clifford Rhoads, Josie Morris, Lizzie Kay Morris, Edgar Lee Morris, Jessie U. Morris and Davis Henry Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Dixey.

Acting Chairman.

DESIGNED BY

T. B. Needles.

Commissioner.

McKague, Indian Territory,

FEB 6 1903

DESIGNED BY

C. R. Brockinridge.

Commissioner.

M.C.R. 4065

Muskogee, Indian Territory, July 30, 1902.

Watkins & Rasmundahl,
Attorneys at Law,
Muskogee, Indian Territory.
Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th inst., enclosing marriage license and certificate between J. W. Rhoads and M. L. Thaxton, which you offer for filing in support of the application made by James W. Rhoads for the identification of himself and children as Mississippi Choctaws.

The same has been filed with the records in this case.

You ask for an extension of time of two weeks from this date in which to introduce additional evidence in support of the applications in the consolidated Mississippi Choctaw case of Eliasbeth Rhoads, et al. You will be granted until Friday, August 15, 1902, to introduce such additional testimony.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 6065.

Muskogee, Indian Territory, February 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Rhoads, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Rhoads, et al.	M.C.R. 6065
John E. Rhoads, et al.	M.C.R. 6066
James W. Rhoads, et al.	M.C.R. 6067
Josie Morris, et al.	M.C.R. 6146

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Rhoads, Morgan Rhoads, Georgia Rhoads, John E. Rhoads, Bula D. Rhoads, Irene Rhoads, Charley Rhoads, James W. Rhoads, Jewel Rhoads, Clifford Rhoads, Josie Morris, Lizzie May Morris, Edgar Lee Morris, Jessie U. Morris and Davis Henry Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

M. McM. & Co.,—

time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge.

Commissioner in Charge.

COPY.

M.C.R. 8065

Muskogee, Indian Territory, February 6, 1903.

Elizabeth Rhoads,

Willis, Indian Territory.

Dear Madam:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Rhoads, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Rhoads, et al,
John E. Rhoads, et al.
James W. Rhoads, et al.
Josie Morris, et al.

M.C.R. 8065
M.C.R. 8066
M.C.R. 8067
M.C.R. 8146

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereon and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Rhoads, Margaret Rhoads, Georgia Rhoads, John E.

Elizabeth Rhoads,--2

Rhoads, Eula D. Rhoads, Irene Rhoads, Charley Rhoads, James W. Rhoads, Jewel Rhoads, Clifford Rhoads, Josie Morris, Lissie May Morris, Edgar Lee Morris, Jessie U. Morris and Davis Henry Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 6, 1903.

Watkins & Rampendahl,

Attorneys at law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Rhoads, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Rhoads, et al.	M.C.R. 6065
John E. Rhoads, et al.	M.C.R. 6066
James W. Rhoads, et al.	M.C.R. 6067
Josie Morris, et al.	M.C.R. 6146

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Rhoads, Morgan Rhoads, Georgia Rhoads, John E. Rhoads,

Watkins & Rampendahl,-- 2.

Eula D. Rhoads, Irene Rhoads, Charley Rhoads, James W. Rhoads, Jewel Rhoads, Clifford Rhoads, Josie Morris, Lizzie May Morris, Edgar Lee Morris, Jessie U. Morris and Davis Henry Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

C. R. Breckinridge.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, February 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Elizabeth Rhoads, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 6, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Elizabeth Rhoads, et al.,	M.C.R. 6065
John E. Rhoads, et al.,	M.C.R. 6066
James W. Rhoads, et al.,	M.C.R. 6067
Josie Morris, et al.,	M.C.R. 6146

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

W. H. Murray
Chairman.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 6065

Muskogee, Indian Territory, February 26, 1903.

Elizabeth Rhoads,

Willis, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, with which you enclose the letter of the Commission dated February 6, 1903, advising you of the refusal of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. Also a letter addressed to Mr. Watkins which you ask the Commission to deliver.

In reply to your letter you are advised that your attorneys, Messrs. Watkins & Rampendahl, were advised by registered mail of the action of the Commission in your case, and the Commission holds their receipt for the same.

Your note to Mr. Watkins has this day been mailed to him, and the letter of the Commission of February 6th, addressed to you, is herewith returned.

Respectfully,

Chairman.

M C R 6065

Muskogee, Indian Territory, February 26, 1903.

Watkins & Rampendahl,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

There is forwarded herewith a letter addressed to your
Mr. Watkins by Elizabeth Rhoads, which is transmitted at her re-
quest.

Respectfully,

Chairman.

McM 100

C O P Y .

Land
13,881-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Elizabeth Rhoads for the identification of herself and her two minor children, Morgan and Georgia Rhoads, John E. Rhoads for himself and his three minor children, Eula D., Irene and Charley Rhoads, James W. Rhoads for himself and his two minor children, Jewel and Clifford Rhoads, and Jessie Morris for herself and her four minor children, Lissie May, Edgar Lee, Jessie U. and ~~David~~ Henry Morris, as Mississippi Choctaws.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Cynthia Sanders or Robinson nee Gilmore and Stephen Gilmore, who, it is claimed were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the date of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of the ancestors through whom they claim did not appear among

the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Cynthia Sanders or Robinson nee Gilmore and Stephen Gilmore, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Respectfully,

A. C. TORNER,
Acting Commissioner.

(A.B.F.)

P.

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

VHE

D.C. 31070

May 15, 1903.

I.T.D. 2090-1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 24, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Elizabeth Rhoads (M.C.R. 6065), for herself and her two minor children, Morgan and Georgia Rhoads; of John B. Rhoads for himself and his three minor children, Nula D., Irene and Charley Rhoads; of James W. Rhoads for himself and his two minor children, Jewel and Clifford Rhoads; and of Josie Morris for herself and her four minor children, Lizzie May, Edgar Lee, Jessie U. and Davis Henry Morris, including your decision of February 6, 1903, refusing to identify them as such.

The principal applicant, Elizabeth Rhoads, through whom the others claim, is a quarter blood Choctaw. She was born in Marengo County, Alabama, in 1847. Her parents, Charles and Nancy Sanders, were both possessed of Choctaw blood, and were born about the time of the treaty of Dancing Rabbit Creek. The former obtained his Choctaw blood from his mother, Cynthia Sanders (or Robinson) nee Gilmore. The mother of the principal applicant obtained her

Choctaw blood from both her parents, her father, Stephen M. Gilmore, being an one-half blood Choctaw who was born in Alabama in 1802, and lived in Marengo County in that state all his life. It seems that he owned a farm containing about 150 acres, which was situated in said county, near the Mississippi line, and between Tombigbee and Alabama rivers, near the town of Grove Hill. His wife, Jane Gilmore, nee Robinson, was a quarter blood Choctaw. It is also noted that the said Stephen M. Gilmore, and Cynthia Sanders (or Robinson), were brother and sister.

The testimony as furnished by the record fails to show that these applicants, or any of their alleged ancestors, ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever, bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department hereby affirms your decision.

Respectfully,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

COPY.

H.C.B. 6068

Muskogee, Indian Territory, May 29, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Rhoads, et al., of which decision you were advised by mail on the 6th day of February, 1903.

Respectfully,

(SIGNED).

I. D. Needles.

Commissioner in Charge.

COPY.

M.C.R. 6045

Muskogee, Indian Territory, May 29, 1903.

Watkins & Rasmundahl,
Attorneys at Law.

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elisabeth Kneads, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, May 29, 1903.

Elizabeth Rhoads,

Willie, Indian Territory.

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Rhoads, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

REFER TO M. C. R. 6005

Elizabeth A. Hoades
et al

Consolidated Case

Stephen M Gilmore 1/2
mar
Jane Robinson 1/4

Nancy Gilmore, dead
mar
Charles Sanders, dead
Parents of husband
M-Cynthia Robinson
F- Sanders

Elizabeth Sanders
mar
John S. Rhoads

Virginia Sanders
mar
Pope

Stephen Sanders

John Jordan Sanders

Charlie Sanders

Sanders
mar dead

John E. Rhoads 32 1/8
mar
Annie Duncan

James N. Rhoads 30 1/8
mar
Mattie L. Pastor
(or M.L. Shotton?)

Mary Alice Rhoads
mar
Morris

Josie Rhoads 27?
mar

Irish Morris w.

Robert S. Rhoads?

Morgan Rhoads 18
Georgia Rhoads 16

May
mar
Sander

Eula D. Rhoads 7
Lucie Rhoads 6
Charles Rhoads 4

Jewel Rhoads 3
Clifford Rhoads 1

Lizzie May Morris 7
Edgar Lee Morris 5
Jessie M. Morris - 2
Doris Henry Morris - 7 w.

For Identification as a Mississippi Choctaw.

Date

~~JUL 15 1890~~

Name Elizabeth Rhoads.

Age 54 Blood 1/4

Post-Office, Willis, I. T.

Father: Charles Sanders. d

Mother: Nancy " d

Claims through mother & father.

Husband John Rhoads. L

No claim for husband.

Children:

Morgan Rhoads 1d

Georgia " F 16

Signed 2 children.

Choctaw MCR 6066

John E. Rhoads

See MCR 6065

MCR 6066

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 15, 1902.

---O---

In the matter of the application of John E. Rhoads for the identification of himself and his three minor children Rula D., Irene and Charley Rhoads as Mississippi Choctaws.

---O---

Watkins and Rampendahl, Attorneys for applicant.

John E. Rhoads being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John E. Rhoads.
Q How old are you? A I was born in '69. Thirty-two years old.
Q How much Choctaw blood have you? A One eighth.
Q What's your post office address? A Thackerville, I. T.
Q How long have you lived in Indian Territory? A Ever since '95.
Q Where did you live before that. A Texas.
Q How long? A I was born in Texas.
Q Lived there all your life until you came to the Indian Territory? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A John S. Rhoads.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth Rhoads.
Q Through which one of your parents do you get your Choctaw blood? A Mother's side.
Q Is the Elizabeth Rhoads who appeared before the Commission here this morning your mother? A Yes sir.
Q Has she ever been recognized in any manner or enrolled as a citizen of the Choctaw tribe of Indians in Indian Territory? A Not that I knew of.
Q Through which one of her parents did she get her Choctaw blood? A Through her father and mother both.
Q What was her father's name? A Sanders.
Q His full name? A Stephen.
Q Stephen Sanders? A Yes sir.
Q You are sure of that are you? A No I believe it was Charles.
Q You think it was Charles instead of Stephen? A Yes I believe it was.
Q What was your mother's mother's maidenname if you remember? A I don't remember what it was.
Q Do you remember the names of any of your mother's grandparents? A Yes sir.
Q What one of them? A Stephen Gilmore was her grandfather's name; her grand mother's name was Robinson.
Q What was her given name? A Jane I believe.
Q She was the wife of Stephen? A Yes sir.
Q Which one of them had the law blood? A They both claimed it.
Q Do you know how old Stephen would be if he were living now?
A No sir he would be about ninety some odd years.

John N. Rhoads--2.

- Q Do you know how old his wife would be if she were living now - Jane? A No sir I dont.
- Q Through which one of her parents did your mother's mother get her Choctaw blood? A She got it from both of them.
- Q What are their names? A My mother's mother and father - Gilmore.
- Q They are the people we were just talking about; through which one of his parents did your mother's father get his Choctaw blood? A Through his mother.
- Q What was her name? A I dont remember what her name was.
- Q Are you married? A Yes sir.
- Q Is your wife living? A No sir.
- Q What was her name? A Annie Duncan.
- Q Did she have any Choctaw blood? A No sir; none that I know of.
- Q Have you any children living? A Yes sir.
- Q How many? A I have three.
- Q What are their names and ages? A Lula D., 7, Irene.
- Q How old? A Six.
- Q The next one? A Charley?
- Q How old? A Five.
- Q Five the next birthday? A Yes sir.
- Q That's all of them is it? A Yes sir.
- Q Are the three children living with you at this time?
- A They are with their grandmother; she keeps them for me.
- Q Are they all three the children of yourself and Annie Rhoads?
- A Yes sir.
- Q Were you ever married more than once? A No sir; just one time.
- Q Was Annie married more than once? A No sir.
- Q Were you married to her under a license? A Yes sir.
- Q When? A In '93.
- Q Where? A Johnson County Texas.
- Q Have you that license with you at this time? A No sir I haven't.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and Annie Duncan for use in connection with the application you make in behalf of your minor children; you will be allowed a period of fifteen days from today in which to submit such evidence.

- Q This application then is for yourself and three minor children is that correct? A Yes sir.
- Q Is your name or the name of any of these children on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for yourself or anyone of these children to be admitted or enrolled as citizens of that tribe? A No sir.
- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any one of these children? A No sir.
- Q Then neither you nor anyone of these children have ever been admitted to citizenship in the Choctaw Nation by the United States authorities or by the tribal authorities have you? A No sir.
- Q Has any application of any kind ever been made before today for you or these minor children for the purpose of establishing your rights as Choctaw Indians? A No sir there has not.

John E. Rhoads---3..

- Q These children as I understand you are living with your mother at this time? A Yes sir.
- Q You still retain contrroll of the children do you? A Yes sir
- Q How long have they been living with your mother? A Ever since December 4th last; the past december.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctawlands in Indian Territory for yourself and three minor children under article fourteen of the treaty of Dancing Rabbit Creek?
- A Yes sir.
- Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply with or attempt to comply with its provisions or ever receive any benefits under that fourteenth article to your knowledge?
- A Not that I know of.
- Q Did any of them own an improvement in the old Nation in Mississippi and Alabama in the year 1830 when this treaty was made to your knowledge? A No sir not that I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was made let the agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi become citizens of the states and take land? A Not that I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time or the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A My mother?
- Q Your mother or her ancestors or forefathers? A Not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register ~~the~~ and report to the government the names of many Choctaws who did in fact let him know they wanted to stay there and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek.

This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the

John R. Rhoads--4.

provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went to the state of Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of those Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek.
A Not that I know of.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of.
Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts?
A No sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
Q Have you any witnesses here today to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from today or if you should see fit to offer any written evidence in support of your application such proper written evidence as may be offered within fifteen days from today will receive the consideration of the Commission.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
Q You don't speak or understand the Choctaw language do you?
A No sir.

Special reference is hereby made to M.C.R. 6065 Elizabeth Rhoads et al., the principal applicant in said case being the mother of the principal applicant in this case.

---0---

This applicant has the appearance of being a white woman; shows no indication of being possessed of Indian blood; has black hair, rather dark complexion, brown

John N. Rhoads--3.

eyes, black mustache; does not speak or understand the Choctaw language; has no knowledge of compliance on part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

—0—

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 15th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 16 day of July 1902.

G. L. V. Emerson
Notary Pub/ls.

M.C.R. 6066

Muskogee, Indian Territory, August 2, 1902.

Watkins & Rampandahl,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 29th inst., enclosing certified copy of marriage record between J. E. Rhoads and Annie Duncan, which you offer for filing in support of the application of John E. Rhoads for the identification of himself and minor children as Mississippi Choctaws.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 6066

Muskogee, Indian Territory, February 6, 1904.

John E. Rhoads,

Thackerville, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Rhoads, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Rhoads, et al.	M.C.R. 6066
John E. Rhoads, et al.	M.C.R. 6066
James W. Rhoads, et al.	M.C.R. 6067
Josie Morris, et al.	M.C.R. 6146

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Rhoads, Morgan Rhoads, Georgia Rhoads, John E. Rhoads,

John E. Rhoads,--2

Fula D. Rhoads, Irene Rhoads, Charley Rhoads, James W. Rhoads, Jewel Rhoads, Clifford Rhoads, Josie Morris, Lissie May Morris, Edgar Lee Morris, Jessie U. Morris and Davis Henry Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

C. R. Breckinridge.

Commissioner in Charge.

Registered.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6066

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 29, 1903.

John E. Rhoads,

Thackerville, Indian Territory.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Rhoads, et al., of which decision you were advised by registered mail on the 6th day of May, 1903.

Respectfully,


Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date JUL 15 1891

Name John E. Rhoads

Age 32 Blood 1/8

Post-Office. Thackerville, S.C.

Father: John S. Rhoads L

Mother: Elizabeth L

Claims through mother.
 wife Annie Rhoads d
 No claim for wife

Children:

Eula S. Rhoads	7
Irene	6
Charley	4

[Signature]

IN THE COURT OF
THE DISTRICT OF COLUMBIA
FILED
MAR 21 1903

[Handwritten signature]

CHAS. E. HARRIS

[Faint, illegible handwritten text]

Return

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



1792

John E. Rhoads,

Thackerville, Indian Territory.

Mored

6066--

file

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 14 1903

[Signature]

CHIEF



General office

Notice that Sec. of Interior has affirmed
decision of Commission in
Elizabeth Rhoads et al.

Hand

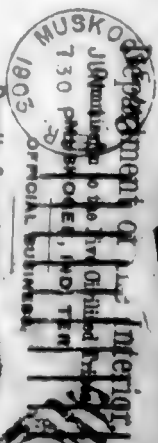
sent address not known.

Wentworth

fax

John E. Rhoads,

Chickoryville, Indian Territory.



Penalty for private use, \$200.



Choctaw MCR 6067

James W. Rhoads

See MCR 6065

MCR 6067

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 15, 1902.

---0---

In the matter of the application of James W. Rhoads for the identification of himself and his two minor children Jewel and Clifford Rhoads as Mississippian Cheetaws.

Applicant represented by Watkins & Rampendahl, Attorneys at Law.

James W. Rhoads being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James W. Rhoads.
Q How old are you? A Thirty years old.
Q How much Choctaw blood have you? A One eighth I believe.
Q What's your post office address? A Thackerville, I.T.
Q How long have you lived in Indian Territory? A Since '98.
Q Where did you live before that? A Texas.
Q All your life? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A John S. Rhoads.
Q Mother living? A Yes sir.
Q What's her name? A Elizabeth Rhoads.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q Is the Elizabeth Rhoads who appeared before the Commission here this morning your mother? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood? A Through both of them I think.
Q What were the names of her parents? A Sanders.
Q Given name? A Why I cant say for certain. I cant be positive what his given name was; I've heard her say.
Q Do you know the names of any of your Choctaw ancestors further back than your mother? A No sir; I dont know only just hearsay.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A No sir.
Q What was her name? A Mattie Paxton.
Q Did she have any Choctaw blood? A No sir.
Q Have you been married more than once? A No sir.
Q Was your wife married more than once? A No sir.
Q Have you any children living? A Two.
Q What are their names and ages the eldest first? A The eldest one is three years old.
Q What's it named? A Jewel.
Q Boy or girl? A Girl.
Q The next one? A A year old. Clifford.
Q Are these two children living with you at this time? A They are with my mother.

James W. Rhoads--2.

- Q They haven't passed from your contrall have they? A No sir.
Q They are both the children of yourself and Mattie Rhoads?
A Yes sir.
Q Were you married under a license? A Yes.
Q When? A In '96.
Q Where? A Gainsville, Cook County.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your self and Mattie Rhoads. You will be allowed a period of fifteen days from this date within which to offer proper evidence of the marriage of yourself and Mattie Rhoads.

- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896?
A No sir I did not. I didn't hear of anybody else.
Q Then you have never been admitted to citizenship by the Choctaw tribal authorities have you? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory of yourself and two children under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Has any application of any description ever been made before today for you or either of these children for the purpose of establishing your rights as a Choctaw Indians?
A No sir.
Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A I don't thoroughly understand it.
Q I will try to explain it to you then?

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830; at the time the treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of this treaty was to get those Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time the treaty was made some of these Indians were unwilling to leave the old nation in Mississippi and Alabama and move out west to the new nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old nation and not move out west might receive land back there.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such a child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you this you understand that fourteenth article? A Yes I reckon so.
- Q If there is any part that isn't clear to you I want to explain it so you will understand it.
- A Why I reckon I understand it.
- Q Did any of your ancestors live in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when that treaty was made? A Yes sir.
- Q Who did. A They claim that my mother's grand father and grandmother lived there.
- Q What are their names? A Gilmore, Stephen N. Gilmore.
- Q Give the names of the other one? A I think his wife was named Robinson.
- Q What was her given name? A I dont know.
- Q Give us the name of another one of your Choctaw ancestors who lived in the old Nation in 1830? A Well, I think that's all.
- Q Do you know whether any of your Choctaw ancestors who might have been living back in the old Nation in Mississippi and Alabama in 1830 owned an improvement back there at that time? A No sir I dont.
- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was made let the agent for the government in Mississippi for the Choctaws know they wanted to stay in Mississippi become citizens of the states and take land? A No sir I dont.
- Q Did you ever hear of any of them removing to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A Hear of them moving here?
- Q Yes. A No sir.
- Q Did any of them ever claim or receive any land back in the old Nation from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I dont know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain, become citizens of the states and take land. The

records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay in Mississippi take land and become citizens of the state and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these Commissioners were duly appointed by the President of the United States and they went to the state of Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?
A I don't know; I haven't heard anything about it.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrips;

- Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress?
A I never heard of any.
Q Did you ever hear of any of your Choctaw ancestors ever having received any benefits whatever as Choctaw Indians?
A No sir.
Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir.
Q Do you know of any old person who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
A No sir; there's some back there but I don't know.
Q They were referred to by your mother this morning in her testimony? A Yes sir; I don't know them.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts, deeds, patents, papers of any kind? A That he was Indian?
Q He that any of your people got land back there. A No sir I don't know anything about that.

James W. Rhoads--5.

- Q Have you any written evidence of any kind to offer at this time in support of your application, deeds or patents or papers of any kind? A No sir.
- Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskegee within fifteen days from today and their testimony will be taken or if you should find any written evidence to submit to the Commission such proper written evidence as may be submitted within a period of fifteen days from today will receive the consideration of the Commission.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q You dont speak or understand the Choctaw language do you?
- A No sir.

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This applicant has the appearance of being a white man shows no indications of being possessed of Indian blood; his hair is somewhat inclined to be light; he has medium fair complexion, blue eyes; does not speak or understand the Choctaw language; has no knowledge of compliance on part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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Reference is hereby made to M.C.R. 6165, the principal applicant in said case and the principal applicant in this case being the descendants of a common Choctaw ancestor.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 15th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 16 day of July 1902.

Wm L. V. Emerson
Notary Public.

COPY

M.C.R. 6067

Muskogee, Indian Territory, February 6, 1903.

James W. Rhoads,

Thackerville, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elizabeth Rhoads, et al., embracing the following applications for identification as Mississippi Choctaws:

Elizabeth Rhoads, et al.	M.C.R. 6065
John E. Rhoads, et al.	M.C.R. 6066
James W. Rhoads, et al.	M.C.R. 6067
Josie Morris, et al.	M.C.R. 6146

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Rhoads, Morgan Rhoads, Georgia Rhoads, John E.

James W. Rhoads,--2

Rhoads, Bula D. Rhoads, Irene Rhoads, Charley Rhoads, James W. Rhoads, Jewel Rhoads, Clifford Rhoads, Sosie Morris, Lizzie May Morris, Edgar Lee Morris, Jessie U. Morris and Davis Henry Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY;

M.C R. 6067

Muskogee, Indian Territory, May 29, 1903.

James V. Rhoads,

Thackerville, Indian Territory.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elizabeth Rhoads, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

I. I. Needles

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date Jan 11 1887

Name James W. Rhoads.

Age 30 Blood $\frac{1}{8}$

Post-Office, Thackerville, S.C.

Father: John S Rhoads. L

Mother: Elizabeth " L

Claims through mother

wife Mattie Rhoads. d
No Choctaw blood.

Children:

Jewel Rhoads F 3
Clifford " m 1

Sister children

Clara Rhoads

Choctaw MCR 6068

Martha J. Nabors

MCR 6068

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Martha Jane Nabors,
et al., for identification as Mississippi Choctaws, M.C.R. 5068.
List of papers forwarded to the Secretary of the Interior comprising
the record in the case of Martha Jane Nabors, et al.,

	Page
Original application of Martha Jane Nabors, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Affidavit of E. T. Sims.....	10
Affidavit of R. M. Gray.....	11
Affidavit of E. S. Langely.....	12
Letter addressed to Mr. Smith by M. J. Nabors.....	13
Joint affidavit of N. H. Chism and M. H. Chism.....	14
Decision of the Commission refusing the application of Martha Jane Nabors, et al., for identification as Mississippi Choctaws.	15

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Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 16, 1902.

In the matter of the application of Martha Jane Nabors for the identification of herself and her minor child Lorena Lee Nabors as Mississippi Choctaws.

Martha Jane Nabors being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Martha Jane Nabors. That's my present name now.
- Q How do you spell Nabors? A N-a-b-o-r-s.
- Q How old are you? A Forty years old.
- Q How much Choctaw blood have you? A I reckon -- I don't know how to count it; my great grandfather was half Choctaw.
- Q The Choctaw blood just comes down one side of the family?
- A Yes sir.
- Q You would be one sixteenth wouldn't you? A Yes sir I think that's it; that's what I've always claimed; I don't know whether its correct or not.
- Q What's your post office address? A Farmer Indian Territory.
- Q What nation? A Indian Territory.
- Q What nation - Choctaw or Chickasaw? A Choctaw.
- Q How long have you lived in Indian Territory? A I moved in about the last of February 1902.
- Q Where did you live before you came to Indian Territory.
- A In Mississippi.
- Q What county? A Chickasaw.
- Q How long did you live in Chickasaw County Mississippi?
- A I lived there seven years.
- Q Where did you live before that? A Alabama.
- Q What county? A Tuscaloosa County.
- Q How long? A About thirty years.
- Q You lived there the balance of your life? A Yes sir.
- Q Born in Tuscaloosa County? A Yes sir; born and raised there.
- Q Is your father living? A No sir.
- Q What was his name? A Jarret Gray.
- Q Is your mother living? A No sir.
- Q What was her name? A Her name was Martha Ann Watkins.
- Q Through which one of your parents do you get your Choctaw blood? A My mother.
- Q How old would your mother be if she were living now? A Well she would have been seventy five.
- Q Where was she born? A In Tuscaloosa County Alabama.
- Q Lived there all her life A Yes sir.
- Q Did she speak or understand the Choctaw language? A No sir.
- Q Through which one of her parents did she get her Choctaw blood? A Her father.
- Q What was his name? A Walter Watkins.
- Q Did your mother have any brothers or sisters older than she?
- A Yes sir.
- Q How many? A Let's see there's four older than she- two girls and two boys.
- Q What was the name of your mother's mother? A Why her name was Sarah Franklin.

Martha Jane Nabers--2.

Q Where was your mother's father Walter Watkins born?
A South Carolina.

Q How long did he live there? A In South Carolina?
A Yes. A I don't know sir; he died when I was young; I don't

remember.
Q Did he speak or understand the Choctaw language? A Yes sir.
Q He did? A Yes sir. My grandfather - well I don't hardly

remember; he died when I was quite small.
Q You don't know whether he spoke or understood the Choctaw

language or not? A No sir.
Q Through which one of his parents did he get his Choctaw

blood? A His father.
Q What was his name? A Well as near as I can recollect from
what I've been told his name was Henry Middleton.

Q Your grandfather? A Yes sir.
Q Henry Middleton Watkins you mean? A Yes sir.

Q He was half blood Choctaw you say? A Yes sir.

Q Do you know the names of his parents? A No sir.

Q What was the name of Walter Watkins' mother? A I do not know
Did Walter ever have any brothers or sisters to your knowl-

edge? A Yes I know he had one brother and one sister.
Q How many brothers and sisters did your mother have altogether
A She had six.

Q Do you know whether your mother's father and mother were
lawfully married? A Yes sir.

Q They were? A Yes sir.
Q How do you know they were? A Because I've been taught so
from the old record of my grandfather's family.

Q How long did they live together as husband and wife? A Well
I can't tell you how many years they lived together; as long
as his wife lived; grandmother died before grandfather did.

It will be well for you to furnish the Commission with some
evidence of the marriage of your mother's father and mother
for use in connection with this application. You will be
allowed a period of fifteen days from today in which to
offer this evidence.

Q Your mother was never recognized in any manner or enrolled
as a member of the Choctaw tribe in Indian Territory?
A No sir.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir; this is him.

Q What's his name? A James P. Nabers.

Q Has he any Choctaw blood? A No sir; this little baby here is
mine.

Q You make no claim for your husband? A No sir; I'm not making
any claim for him, just me and my baby.

Q How many children have you? A Just one living.

Q What's that child named? A Lorena Lee.

Q How old is the child? A She was seven months old the ninth
day of this month.

Q This application then is for yourself and one minor child?
A Yes sir.

Q Is your name on any of the Choctaw tribal rolls in Indian
Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authori-
ties in Indian Territory to be admitted or enrolled as a
member of that tribe? A No sir not until now.

Martha Jane Nabors.

- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article fourteen of the treaty of Dancing Rabbit Creek? A I claim under all treaties.
- Q The Commission is authorized to hear the applications of persons who claim rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

This treaty was entered into in Mississippi on September 27 1830 between the government of the United States and the Choctaw tribe of Indians; at the time the treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw (Chickasaw Country in Indian Territory); at the time this treaty was made some of the Choctaws were unwilling to leave the old Choctaw Nation in Mississippi and Alabama and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and not move out west might receive land back there from the government.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Martha Jane Nabors--4.

- Q Do you think you understand that fourteenth article clearly?
A You dont speak quite loud enough for me to understand it .

Well, in case a Choctaw who might have been living back in the old Nation in Mississippi and Alabama in 1830 when this treaty was made decided that he wanted to stay there and not move out to the new nation he had the right to receive land there in the old nation from the government upon certain conditions; first he was required to within six months from the time this treaty was ratified let the agent of the government in Mississippi for the Choctaws know that he wanted to stay there and become a citizen of the states and take land; after he had done that he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner was entitled to one half that quantity for each unmarried child which was living with him over ten years of age and a quarter section for such child as might be under ten years of age; the reservations of these children were required by the terms of the article to adjoin the reservation of the parent; if they lived on these reservations for five years after February 24, 1831, the day the treaty was ratified they were entitled to a grant in fee simple; that is the government would give him a title in fee simple to the land to dispose of at his pleasure.

The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity!"

That is an Indian who stayed back there in Mississippi and took land under that fourteenth article should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever moved to this new nation he was not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaw Indians in Indian Territory under provisions of different treaties between the government of the United States and the Choctaw Indians.

- Q Do you think you understand that fourteenth article now?
A I'm an unlearned woman; I haint got no education at all and I'm tolerable hard to understand business matters.
Q I've quoted that fourteenth article of the treaty to you and have explained it fully; do you think you understand it?
A You mean I couldn't hold any land back in the old eastern states where I come from; I couldn't own any; you mean now that I can become a citizen here in this new nation?
Q You dont seem to get my idea. This treaty was made as I told you seventy two years ago in the old nation, and the treaty was made to get those Indians to leave the old nation and move out here; the government wanted them moved out west of the Mississippi river; there were some of them who just simply refused to move out to the new nation and before the government could make a treaty with them it became necessary to put in this fourteenth article for the benefit of those who wanted to stay back there; now the fourteenth article provided that an Indian might stay back there; if he did stay though he had to settle down on a piece of land

Martha Jane Nabers--5.

and become a citizen of the states and of the United States, and in order to do that, the government in that treaty provided that an Indian if he wanted to stay there he must let the agent the government had in Mississippi in 1831 know within six months from February 24, 1831 the day the treaty was ratified that he wanted to stay there so that the government could make these reservations for the Indians and after they had done that - these Choctaws - they received a tract of land a mile square or six hundred and forty acres for the head of the family, and included in that tract, his improvement, and for each child in his family over ten years of age and unmarried, the government would make a reservation of three hundred and twenty acres, for each child in his family under ten years of age the government would make a reservation of one hundred and sixty acres; now these childrens' reservations were required to adjoin the location of the parent. Now if these Indians lived on that land intending to become citizens of the states for five years from February 24, 1831 they were entitled to a grant in fee simple for the land; that is the government would give them a deed or patent to the land and it would become the property of the Indian; the last part of the fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- A Well I come here to make this Territory -- Choctaw -- my home and to live here.
- Q Well, now what I want to know is whether you understand that fourteenth article or not; I don't see how I can make it more plain, to you. A Yes sir I think probably I understand it.
- Q You understand of course that that refers to the -- the requirements in that article refer to Indians who lived back in Mississippi seventy two years ago and the land which they were to receive was land located back there in the old Nation in Mississippi and Alabama? A Yes sir that's the way I understand it.
- Q Did any of your forefathers live back there in the old Nation in Mississippi or Alabama in 1830 when this treaty was made? A In 1830?
- Q Seventy two years ago, a year or two after your mother was born? A Yes sir my grandfather lived there; she was born there in Tuscaloosa County.
- Q Did he own improvements there seventy two years ago? A No sir I think not.
- Q Did he or any other of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to become citizens of the states and take land? A If they did I don't know it.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of them remove to the present nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838?
- A No sir.

Martha J and Nabors-- 6.

- Q If any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek you have no knowledge of it? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went down to the state of Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in lieu of the land so sold by the government land some place else in Mississippi or Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A Not that I ever heard of.
- Q So far as you knew then none of your ancestors ever received any benefits as Choctaws? A No sir.
- Q You don't know whether any of them were recognized members of the Choctaw tribe of Indians or not? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder.
- A Repeat that again please?

Martha Jane Nabers--7.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir I dont.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts, any deeds or papers or patents or anything of the kind which would prove or tend to prove that your forefathers who might have been living in Mississippi in 1830 complied with this fourteenth article or attempted to do so?

A No sir.

Q Have you any written evidence to offer at this time in support of your application? A Yes sir; I have some affidavits proving up my great grandfathers blood that he claimed to be Indian.

The affidavits of R.M. Grey and E.T. Sims are offered in evidence identified as Exhibits A and B filed and made a part of the record in this case.

Q This is all the written evidence you have to offer it is?

A Yes sir.

Q Have you any witnesses here today? A No?

Q Yes. A No sir.

If you should find any witnesses whose testimony you desire to have taken before this Commission they may appear before us here at Muskogee within a period of fifteen days from today and their testimony will be taken or if you should find any written evidence of any kind which you desire to offer in support of your application such proper written evidence as may be offered within a period of fifteen days will receive the consideration of the Commission.

Q Are there any further statements you want to make?

A I have no witnesses unless you want to take my husbands statements

Q What does he know about this case? A Well he knows a good deal about it; I reckon he does; I didn't know whether you would take anyone that was related.

Q Does he know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir he dont know anything about that.

Q How long has he known you? A Before we married?

Q Yes; how long altogether. A He's known me about -- well he didn't live anywhere close about me; he's been acquainted with me a good long while; I cant state how many years.

Q Give us an idea; I dont care for the exact number of years.

Q I reckon he knowed me ten or twelve years before we was married.

Q How long have you been married? A Five years - going on five years. Now how many more witnesses or affidavits would you require?

Q Well, that's a matter for you to determine; you will have to determine how much evidence you put in. We give you a period of fifteen days within which to introduce any proper evidence in support of this application; you can call any affidavits or statements of any kind you desire to offer in support of your application or if you have any witnesses

Martha Jane Nabers --2.

whose testimony you want to have taken before the Commission they may appear here within fifteen days from today and their testimony will be taken.

- A Could I have the testimonys taken out where I live and send them here.
- Q We will accept affidavits if they come here in the proper form within the time allowed you; personal attendance of witnesses of course is preferable.
- Q Is there any further statements you want to make
- A No sir I beleive not.
- Q Have you any brothers living? A Yes sir.
- Q How many? A I have two brothers and one sister.
- Q What are the names of your brothers? A My youngest brother is R.M.Gray. My oldest brother is Walter H. Gray.
- Q Have they been before the Commission? A R.M.Gray has.
- Q What's that R. Fer? A Robert.
- Q What 's the name of your sister? A Sarah H. Nabers.
- Q Has she been before the Commission? A No sir.
- Q Have you any brothers or sisters dead? A No sir.
- Q Just four of you lviing? A Four of us living.
- Q Has your mether any brothers at or sisters living?
- A No sir.
- Q Did any of your mother's brothers or sisters leave children
- A Yes sir.
- Q How many of them? A Now I cant tell you hardly how many of her brothers and sisters are dead.
- Q How many of her brothers left children? A Well they all three of her brothers left some children but I dont know how many there was of each.
- Q What was the name of her oldest brother? A Mathson.
- Q How many children did he leave? A I cant tell you how many he left; let me see; he had eight.
- Q Are any of them living? A Yes sir there's some of them living.
- Q name as many of them as you can? A Well there's Jim, Henry and George, Moses Ervin and Mary Katie, Willie.
- Q What's the name of your mother's next brother? A Walter Watkins.
- Q How many children did Walter leave? A I dont know sir how many he left; his children's most all dead.
- Q Do you know the names of any of his children? A yes sir. There was James William, John Zebedee--
- Q The next one? A Sarah Franklin. Part of those children I'm calling their names ever are dead. I believe that's all I remember.
- Q what's the name of your mother's next brother who has children? A Calvin; I dont know any of his children.
- Q You dont know the names of any? A No sir.
- Q Give us the name of the oldest one of your mothers sisters who left children? A Barilla Jenkins; that was her given name.
- Q The next one? A Emily Malone; Emily was her given name.
- Q The next one Sarah Freeman; that's her given name and her married name was Freeman.
- Q The next one? A That's all I know anything about.
- Q You dont speak or underst and the Choctaw language do you?
- A No sir.

Martha Jane Habers--9

Special reference is hereby made to M.C.R. 978 Robert M. Gray et al., the applicants in said case and the applicants in this case being the descendants of a common Choctaw ancestor.

---0---

This applicant has the appearance of being a white woman shows no indications of being possessed of Indian blood. She has black hair, rather dark complexion, blue eyes; she does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 16th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 26 day of July 1902.

Guy L. V. Emerson
Notary Public.

11

229
Craw

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Jane Nabors,
et al., for identification as Mississippi Choctaws, M.C.R. 5068.

--: D E C I S I O N :--

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Martha Jane Nabors for herself and her minor child Lorena Lee
Nabors under the following provision of the act of Congress approved
June 23, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation conclud-
ed September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses,
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that both of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of Henry Middleton Watkins, who is alleged to have been an one-half
blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Henry Middleton Watkins, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 S Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Jane Mahers and Lerena Lee Mahers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the

application for their identification as such should be refused, and
it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

Tamie Dixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. B. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 4 1902

N.S.R. 6992.

McKehee, Indian Territory, August 2, 1902.

Martin J. Roberts,

Pawnee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavit of C.E. Langley, which you offered for filing in support of the application made by you for the identification of yourself and minor child as Mississippi Choctaws.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

M E R 2000.

Haskogee, Indian Territory, August 8, 1908.

Martha J. Nabors,

Farmers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the certificate of
W.H. and W.H. Chism, offered for filing in support of your applica-
tion for the identification of yourself and your minor child as
Mississippi Choctaws.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

N.C.R. 6066

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha Jane Nabors, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1896 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Jane Nabors and Lerena Lee Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Dixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 4, 1902.

Martha J. Nabors,
Farmers, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha Jane Nabors, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Jane Nabors, and Lorena Lee Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED: *Tame Bixby.*
Acting Chairman.

Registered.

Muskogee, Indian Territory, December 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Martha Jane Nabers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicant in the Mississippi Choctaw case of Robert M. Gray, decision in which was rendered by the Commission on July 26, 1902, and approved by the Secretary on August 26, 1902.

Respectfully,

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

Enc. M.C.R. 6068.

M C H 6068

Muskogee, Indian Territory, January 8, 1903.

Martha J. Nabors,

Farmers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th ultimo, relative to the decision of the Commission in your case.

In reply to your letter you are informed that the fifteen days from December 4, 1902, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on December 19, 1902, and on December 20, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor child in Mississippi Choctaws, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

COMMISSIONER IN CHARGE.
Acting Chairman.

COPY.
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
76249-1902.

March 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Martha Jane Nabors for herself and her minor child Lorena Lee Nabors, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claims to identification of their descent from Henry Middleton Watkins and Walter Watkins, who it is alleged were Choctaw Indians and residents of the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through Martha Ann Watkins, the principal applicant's mother.

The Commission rejected the applicants December 4, 1902, because the names of the ancestors through whom they claim do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Henry Middleton Watkins and Walter Watkins and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of the said treaty; neither does it appear that they applied to the commission appointed to adjudicate the claims of those having rights as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tenner

Acting Commissioner.

C.T.C.(B)

COPY.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

FHE

I.T.D. 3244-1903.
D.C. 10455
L R S

April 10, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 20, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Martha Jane Nabors (M.C.R. 6068), for herself and her minor child, Lorena Lee Nabors, including your decision of December 4, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Henry Middleton Watkins, who is alleged to have been an one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

-2-

Reporting in the matter March 25, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed) THOS RYAN.

1 inclosure.

Acting Secretary.

COPY

Muskogee, Indian Territory, April 23, 1903.

Hansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Martha Jane Nabors, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

Tame Dixby,
Chairman.

M.C.R. 6068

COPY.

Muskogee, Indian Territory, April 23, 1903.

Martha J. Nabors,

Farmers, Indian Territory.

Dear Madam:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Shootaws of the several persons included in the case of Martha Jane Nabors, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

Respectfully,

Tams Dixby.

Chairman.

For Identification as a Mississippi Choctaw.

Date

Name Martha J. Nabors,

Age 40 Blood 1/16

Post-Office, Farmer, I. T.

Father: Jarrett Gray, D

Mother: Martha Ann " D

Claims through Mother

Husband

James P. Nabors, L

No claim for husband.

Children:

Lorena Lee Nabors, 7 Mo.

For self and one child.

Clara M. Wood.

Stenographer

Choctaw MCR 6069

William W. Furtick

See MCR 5574

MCR 6069

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 17, 1902.

In the matter of the application of William W. Furtick
for the identification of himself as a Mississippi Choctaw.

---O---

---O---

William W. Furtick being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William W. Furtick.
Q How do you spell that last name? A F-u-r-t-i-c-k.
Q How old are you Mr Furtick? A I'm seventy one.
Q How much Choctaw blood have you? A I don't know; I suppose---
I never could find out.
Q What is your post office address? A Gerinth, Mississippi.
Q In what county Mr Furtick? A Alcorn.
Q How long have you lived in the state of Mississippi? A Well
ever since I been born.
Q Is your father living? A No sir.
Q What was his name? A Henry Furtick.
Q Is your mother living? A No sir.
Q What was her name? A Caroline Furtick.
Q Through which one of your parents do you derive your
Choctaw blood? A Through my father.
Q Do you know in what year your father was born? A Let me
see; about 1809 or ten; I forget which; somewhere along
there.
Q Were you his eldest child? A Yes sir.
Q Do you know in what year he was married? A He was married?
Q Yes. A He was married in - let me see - twenty-nine I
think; no in thirty.
Q Do you know what month in 1830 it was? A No sir.
Q You have no idea what time? A I was about August or
September somewhere.
Q Where was he born Mr Furtick? A Well I think County.
Q Alcorn County Mississippi? A No sir he was away below
you know.
Q Well what county do you think he was born in? A Lowndes
I think; Columbus is in that county.
Q Did he live in Mississippi all his life? A Yes sir.
Q You don't know how much Choctaw blood he had do you? A No
sir; well his mother was a full blood Choctaw woman.
Q Are you sure of that? A O, yes.
Q What was his father? A He was a white man.
Q And your father was a half blood Choctaw was he? A Yes sir.

William W. Furtick--2.

- Q That would make you a quarter? A Yes sir I reckon.
Q Your mother had no Choctaw blood? A No sir; she was white.
Q Did you ever have any brothers and sisters? A Yes sir.
Q Full brothers and sisters? A Yes sir.
Q How many? A Let me see - I have five.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father and mother and you will be allowed a period of fifteen days from this date within which to furnish such evidence; of course the original marriage license and certificate is the best evidence and the next best thing you can do is to get a certified copy of that marriage license and certificate.

- A I dont know whether I could get that or not; I have some affidavits stating that older witnesses than me knew of the marriage.

- Q What was your father's mother's name? A My father's mother - what's her name?
Q Yes sir. A Mary Metelena.
Q Can you spell that last name for us? A I can spell it in my way. Met-el-e-n-a.
Q How did she have an Indian name? A Yes sir.
Q What was her Indian name? A Chekachyo.
Q Did you ever see this woman? A Yes; O yes; I was well acquainted with her.
Q When did she die? A She died in '66.
Q About how old was she when she died? A Well she was I think somewhere about ninety to the best of my knowledge.
Q Did she speak or understand the Choctaw language? A Well I dont know/ she didn't use it.
Q You dont understand it yourself? A No sir
Q Mr Furtick you are willing to swear positively at this time that this woman Chekachyo whom you claim to have been your father's mother was a full blood Choctaw woman?
A Yes, O yes sir.
Q Do you know where she was born? A Well I dont know exactly.
Q Where did she spend the greater part of her life? A Well she spent of course her latter days in Mississippi; you know they all come from the east to Mississippi; that's been a good long time ago-- the greater part; I dont know whether she did or not; I think she was a native though of Mississippi.
Q You were born in 1831 were you? A Yes sir
Q What month? A June 17th.
Q Now where was your grandmother Chekachyo living one year before your birth? A Well she lived and died on the place to my recollection where I first knew her or somewhere near there.
Q In what county? A Leones County near Columbus.
Q Which way from Columbus Mississippi? A Southeast.
Q How far from Columbus was that place? A Well I dont know; about ten or twelve miles somewhere along there.
Q Were you born there? A Yes sir.
Q Your grandmother was living on that same place where you were born

William W. Furtick--3.

- A Yes sir at the time of my birth.
- Q How how long prior to your birth had she lived on that place do you know? A No sir.
- Q Do you have any idea how long she had been living there?
- A Sometime; I dont know how long.
- Q You know she had lived on that place for some considerable time before your birth? A Yes sir.
- Q Do you think it was as much as ten years? A I dont know exactly for I never heard them say.
- Q Did she improve the place herself she and her husband? A I think they did make some improvements on the place.
- Q Did the improvements at the time of your birth show it had been occupied for some period of time? A Yes sir; several years; yes sir.
- Q Your father never lived in Indian Territory did he? A No sir.
- Q Never was recognized in any manner as a member of the tribe to your knowledge? A I dont know.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What's her name? A I am married the second time.
- Q What's your present wife named? A She's name Sue C. Furtick.
- Q Has she any Choctaw blood? A No sir.
- Q You dont make any claim for her? A No.
- Q Have you any children living who are under twenty one years of age and unmarried? A No sir.
- Q This application then is for yourself only is it? A Yes sir
- Q Have you any children living who are of age or married?
- A Yes sir.
- Q How many? A I got three of them here today.
- Q How many altogether? A Five.
- Q Five living? A Yes sir.
- Q What are their names; the oldest first? A William C. Furtick., J.D.Furtick--
- Q What's that "J" for? A Jefferson. Frank M. Furtick.
- Q The next one? A Bettie.
- Q Is she married? A Yes sir.
- Q What's her married name? A Cheves.
- Q The next one? A Sallie.
- Q Is she married? A Yes sir.
- Q What's her married name? A Dearing.
- Q Which of these five children are here today? A Well, you've got Jefferson and Frank and Sallie.
- Q Have the other two been before the Commissi on? A No sir only one.
- Q Which one? A That was William C.
- Q Have all of these five children the same mother? A Yes sir.
- Q Have you any children dead who left children? A Yes sir one.
- Q What was your child named who left children? A Louis D. Furtick.
- Q How many children did he leave? A One.
- Q Is that child living now? A Yes sir.
- Q What's the name of the child? A We call it Louis. It lives with my son there; he can tell you more about it.
- Q How old a child is it? A Eight years old; about. You see I aint living with it.
- Q What is the name of the mother of the child? A Baxter; her maiden name was Holmes.
- Q Baxter is her given name? A Yes sir.
- Q Is she living? A No sir; she's dead.
- Q She had no Choctaw blood.
- Q Was your son lawfully married to her? A Yes sir.

William W. Furtick--3

- Q You were present at the marriage were you? A Yes sir.
Q Where, Mr. Furtick were they married? A At home.
Q They were married where? A At his father-in-law's home.
Q When? A Eight years ago; a little over eight years. I think nearly nine.
Q Who married them? A A preacher; I forget his name.
Q They were married under a license were they? A Yes sir.
Q Do you know where that license is now? A Yes sir at Corinth; no, at Prentiss County, Booneville.
Q What was the name of the mother of this son ~~son~~ of yours who is now deceased. A Eliza Story before she married my first wife.
Q She is also the mother of your five living children? A Yes sir.
Q You were married to her under a license? A Yes sir.
Q Where? A At Tishomingo County then but it's been divided now.
Q What county would it be now? A Prentiss County.
Q When were you married to her Mr Furtick? A In fifty nine; September 15th.
Q Did she have any Choctaw blood? A No sir.
Q Have you your license with you? A Yes sir.

This license is not necessary in connection with the application you make in your own behalf but in the cases of your children the proof of this marriage will be necessary so I will file it in your case and they will get the benefit of it.

Certified copy of the marriage license and certificate of W.W. Furtick and Eliza Story is offered in evidence identified as exhibit A and made a part of the record in this case.

- Q Are you the W.W. Furtick referred to in this license? A Yes sir.
Q And the Eliza Story referred to in this license was your first wife and the mother of your five living children and your deceased son Louis? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A Not until here lately.
Q By the tribal authorities I mean the officers of the Choctaw government in Indian Territory; did you ever make application to the Indian officials to be admitted or enrolled? A No sir.
Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the provisions of the act of Congress approved June 10, 1896? A No sir I didn't.
Q Then you have never been admitted to citizenship in the Choctaw Nation in Indian Territory by the Choctaw tribal authorities this Commission or the United States Court for Indian Territory have you? A No sir.
Q So this is the first application of any description that has ever been made in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Yes sir.
Q You spoke a while ago in answer to a question by me indicating that you had made some application of some description, stating that you had not made any application until here lately; what did you mean by that? A I was born last

William W. Furtick--3.

year looking after it; I heard that we could come in later; there was a chance for it; I was here seeing about it but never got out business in shape that I could come before the Dawes Commission:

- Q You never have been before the Commission before? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and Alabama--along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there and not move out west to the new country what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old nation might receive land there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall hereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A Yes sir I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A I was taught that they did comply with the treaty; that was made.
- Q When did you first learn that they had complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A As soon as I could learn enough to understand, of course I was young at that date.

By hearing my grandmother in talking about it you know and so on.

Q By your grandmother you refer to the Indian woman Chekachyo ?
A Yes sir.

Q When did you first hear of the fourteenth article of the treaty of Dancing Rabbit Creek? A I heard of that a good while ago; I don't know what time it first struck my mind.

Q Did you ever hear your grandmother say she complied with the provisions of that fourteenth article? A Yes sir, by being located she did.

Q By being located? A Yes sir on section sixteen township twenty and range five I think.

Q Where is that land? A I don't know; I never had a map of it and I don't know.

Q You don't know what country it's in do you? A No sir but I know where I have heard them say.

Q Now according to your testimony your grandmother was living about ten or twelve miles southeast of Columbus Mississippi in Lowens County Mississippi in 1830 when this treaty was made? A Yes sir.

Q Do you know the numbers of the place on which she lived? A No sir; not before nor afterwards; only I understand that she lived there and complied with the treaty.

Q How was that now? A I understood her to live upon the numbers; she said they tried to comply with the treaty and did and wanted to become citizens of Mississippi and of course they had to comply; you know that they had a certain amount of land they lived on or started to live on.

Q Now my question was: Do you know the land numbers of the place upon which she lived where you were born; do you know what the numbers of the land were? A No sir; I don't know any numbers; only what I learned afterwards; I heard them say they tried to live upon this land and had to abandon it afterwards.

Q When this treaty was made according to your testimony she was living about ten or twelve miles southeast of Columbus in Lowens County? A Yes sir.

Q That's where you were born? A Yes sir.

Q And wasn't she living there prior to your birth? A No sir I wasn't born right there; I was born right close there; but I've heard them talk; we left there and come higher up in Mississippi - Tishomingo.

Q Did you ever hear her say whether within six months after this treaty was ratified - the treaty was ratified on February 24, 1831, she let the agent of the government there in Mississippi, Colonel William Ward know she wanted to stay there and become a citizen of the states? A Yes sir; I heard they took their choice to stay - wanted to stay and did.

Q Did you ever hear your grandmother say she let him know she wanted to stay there and become a citizen of the states under this fourteenth article? A I don't recollect.

Q Your father was married and head of a family when this treaty was made; what about him; do you know whether he ever complied with this treaty provision? A No sir I don't.

Q Did he have an Indian name? A Yes sir his name was Furtick.

Q Did he have a Choctaw name? A No that's all he had; his mother had an Indian name.

Q He didn't have an Indian name? A No sir he had an American name.

William W. Furtick--7.

- Q You never heard him say whether he complied with this treaty provision or not? A No sir.
- Q Did he ever get any land from the government under this fourteenth article? A No sir; not that I ever heard of.
- Q Did you ever hear him say anything at all about his having complied or attempting to comply with this fourteenth article or ever receiving any benefits under it? A No sir; I never heard him say anything; it was my grandmother done the most talking; all I got was through her.
- Q How long did she stay on that land there where you were born? A It was some time; not long.
- Q About how many years after your birth did she remain on that land? A I don't know exactly; a year or two I think to my best knowledge.
- Q You say she had to abandon it? A Yes sir.
- Q Why? A On account of some misunderstanding with the land agent you know and some laws that was made; I don't know exactly.
- Q What was the name of that land agent? A Let me see ---- Martin I think wasn't it.
- Q Did you ever hear her call his name? A Yes sir, Martin I think; a man named Martin.
- Q You don't remember when he was down there making locations do you? A No sir I was very young then and had no recollection at all; very young.
- Q Do you know whatever became of that land finally that she selected? A Well I think the Whites got it to the best I know; a great many of them had to get off.
- Q Do you remember when the government had land sales at Columbus and sold off a great deal of this land? A No sir I left there when I was quite young.
- Q You don't know whether this particular piece of land was sold by the government at these sales? A No sir; I don't know whether it was or not but I know they had to get off and didn't get the benefit of it.
- Q How many children did your grandmother have in 1830? A Let me see; she had about three daughters and three sons to the best of my recollection.
- Q Is your father the eldest one of her children? A Yes sir.
- Q Were any of his brothers or sisters married in 1830? A Let me see; I think they was but I don't know.
- Q He was near about twenty years old then? A Yes sir.
- Q He was married some time in the summer or fall of '30?
- A Yes sir.
- Q You think one of his brothers and sisters was married at that time? A I don't know; they married pretty early.
- Q What was the name of his eldest brother? A Louis I think.
- Q Louis Furtick? A Yes sir.
- Q What was the name of his next brother? A William and the next was David.
- Q What are the names of the daughters? A Harriett was the eldest and Rachel; the next one Margaret.
- Q Who did Harriett marry? A She married a man named Grin.
- Q Who did Rachel marry? A She married a Rucker.
- Q Who did Margaret marry? A She married a Williams. It's been so long since I thought anything about it.
- Q Have either one of these daughters married more than once.
- A No sir not to my knowledge.
- Q Then your grandmother had seven children living in 1830 instead of six didn't she? A Well perhaps she did.

- Q Seven with your father? A Yes sir; I was thinking about outside of him; I wasn't thinking about him.
- Q What are the numbers of land Mr Furtick which you say your grandmother endeavored to hold under the fourteenth article of the treaty of Dancing Rabbit Creek? A It was section sixteen township twenty-six, range five.
- Q In what county is that land situated in Mississippi.
- A Well now I cant tell you; I dont know.
- Q How do you know that she attempted to secure that particular piece of land under the fourteenth article of the treaty of Dancing Rabbit Creek? A Well I had heard her say that they went on it; that they had located that place you knew and I suppose was living on it from that you know.
- Q Living on it when? A At the time - sometime about that; I dont know but they had to get off it; that was the place they had located you know is the way I understood it.
- Q According to your understanding then that piece of land, 16,26,5, is this piece of land in Lownes County th at you lived on? A Well I dont know whether it was in Lownes County; they lived in Lownes after I was a good big boy; I didn't understand it perhaps in some of your questions.
- Q I asked you if you were born in Lownes County and you said that you were born ten or twelve miles southeast of Columbus? A Yes sir somewhere along there.
- Q I asked you if your grandmother was living there at that time of your birth and you said she was.
- A I knew after I got big enough to talk that she was there then.
- Q Do you know where she was living when you were born? A No sir I dont and be correct about it.
- Q But the first you can remember of her she was living in Lownes County? A Yes sir. First I knew anything of her and I reckon I was six or eight or ten years - about that; that's my recollection.
- Q Did you ever hear of her ever having lived ever on the Mississippi river in one of the western counties in the state? A No I dont know as I do; only I know she was in Mississippi; said she was born and raised in Mississippi.
- Q Did you ever hear of her having lived outside of Lownes County before you were born? A O yes I think I did.
- Q Where else did she live before you were born? A She lived in the Choctaw region somewhere - the Chickasaw and Choctaw.
- Q But you dont know just where? A No sir I dont for we moved away from there and I had very little recollection about it.
- Q How does it happen that you know so well about the numbers of the land which you claim your grandmother tried to hold there? A I heard her talk about it; that's how come me to recollect it.
- Q When did you hear her say that she claimed section sixteen township twenty six range five under the fourteenth article of the treaty of Dancing Rabbit Creek? A That was after I got big enough to understand.
- Q About what age? A I was about eight or ten years old; ten or twelve. I was about twelve when my grandfather died as near as I can recollect.
- Q You are willing to swear positively now that she told you also about that time that she claimed section sixteen township twenty six range five under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir that's the way

William W. Furtick--9.

I understood it.

- Q Did you write down the numbers of that land at that time?
- A Why no sir; I can recollect things when I was little - when I was a boy but if I had to do it now I would write it down because I can't keep it.
- Q Did they ever give you an idea as to where this particular piece of land section sixteen township twenty six range five was? A It was in the Choctaw region but I don't know whereabouts.
- Q She didn't tell you what county it was? A No sir.
- Q You never heard of either your father or his mother having let Colonel William Ward the agent of the government down there in Mississippi in 1832 know within six months from February 24, 1831 that they wanted to stay there in Mississippi and take land? A I heard them say that they complied with that treaty by being located on certain land and I heard them say that they had to abandon it afterwards.
- Q You say by being located on certain lands; how were they located? A I reckon moved on it or living on it; they had to abandon it afterwards.
- Q Did the agent of the government locate them on this particular piece of land? A I don't know but they said they had to abandon it by some misunderstanding or some mistake through the agent misunderstanding - some way; I don't know - or some law.
- Q Was it your grandmother who got this land? A Well I don't know whether it was grandmother or her father; her father is the way I understand it. She was his daughter.
- Q What was her father's name? A Chekachye.
- Q I thought you said that was your father's mother's name? A Well that was her maiden name you know; that's what I intended; she married George Furtick..
- Q And her father's name was simply Chekachye? A Yes sir.
- Q That's the only name he had? A Yes sir.
- Q What was her mother's name? A I can't tell you; I heard them call her grandma is all I ever knew.
- Q You don't know her Indian name? A No sir; not her maiden name.
- Q Did you ever see her? A Yes sir.
- Q Was she a full blood Choctaw Indian? A Yes sir.
- Q And Mary's father was a full blood Choctaw? A Yes sir my grandfather married Mary Motlina.
- Q Your grandfather was a full blood? A Yes sir; he died when I was about nineteen or twenty some where along there.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens and take land.

A Yes sir.

The name of this agent was Colonel William Ward.

A Yes sir.

The records of the government show that this agent, Colonel Ward failed to register and report to the government the names of a great many Indians who did in fact let him know they wanted to stay there and take land.

William W. Furtick--10.

A That's what I've heard.

An on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaw lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty.

A Yes sir.

This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress.

A Yes sir.

An Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Do you know whether your father or any other of your Choctaw ancestors appeared before any of these commissioners and attempted to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir I don't know as I do.

Q Do you remember when these commissioners were down there in Mississippi?

A That was when?

Q Thirty-seven, thirty eight, forty two forty three and forty five? A That was along there when I got up so I could understand.

Q You remember when they were there do you? A Yes sir I think I do; I heard some talk; I didn't see them.

Q But you never heard of any of your people appearing before these commissioners? A No sir; I don't know as I did; you see some of them had moved off; got scattered out a little.

Q In what year did Chekachee die? A About the year of '45 is my recollection.

Q He was your grandmother's father? A Yes sir.

Q About how old a man was he when he died? A He was about seventy I think about seventy-five- somewhere along there; that's about what I recollect.

Q You stated that your grandmother died in sixty and she was along about ninety when she died? A That's what I suppose; I didn't make no record; that's the way I understood it.

Q That would make her about the same age as her father? A O she lived a long time after he died.

Q I understand that but she died about twenty years later than he did? A She died in sixty six.

Q Well that's about twenty years later. A He died in 1845.

William W. Purtick--11.

- Q That's about twenty one years later; you said she was about ninety years old when she died and he was seventy five? A That's what I understand; I didn't say positive; that's my recollection about it; her father had been dead some time.

The act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did you ever hear of any of your ancestors ever having gotten any scrip from the government under this act of Congress?
- A No sir never heard of any..
- Q In the different conversations referred to by you which you had with your grandmother in which she stated that attempt had been made by the members of the family in 1830 to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek did she say whether this attempt had been made by her or her father? A By her father you know he was the one not her.
- Q Did he have any children living who were under twenty one years of age in 1830 when this treaty was made? A I don't know where they was under that age or not; they was grown - my recollection.
- Q How many children did he have besides Mary? A He had two daughters.
- Q What was the other daughter's name? A One was Ellen Catherine and the other was Sallie.
- Q They are older than Mary or younger? A Younger.
- Q You don't know how much younger? A No sir.
- Q Who did Ellen Catherine marry? A Miles.
- Q Who did Sallie marry? A A man by the name of Smith - Jack Smith I think.
- Q Do you know of any old person living who would likely know whether your father or any other of your Choctaw ancestors ever complied fully with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I know of three; I've heard them talk about it; they knew my family.
- Q What are their names? A One is named Kitchen.
- Q How old is he? A He's an old gentleman.
- Q What's his given name? A I forget it now; I knew it but can't call it.
- Q Where does he live? A He lives in Tippah County; I think he lives in Tippah.
- Q What's his post office address? A Dry Run I think.
- Q What's the name of the next one of these people? A One is named John Aldrich.
- Q What's his post office address? A The same.

William W. Furtick--12.

- Q What's the name of the next one? A Margaret Cooper.
Q What's her post office address? A Dry Run.
Q Are these people all older than you are? A O yes; heap older, Margaret Cooper - she lived right close to my great grandfather.
Q Are either of them any kind to you? A No sir.
Q Have they any interest whatever in the result of your claim? A No sir; none at all.
Q All white people, are they? A Yes sir; they are all white. They'll pass for that; they may be a little dark but they will pass for white.
Q Did any of your people move out west to the new nation when the Indians moved out here between the years 1833 and 1838? A Not that I know of.
Q Did you ever hear any of these three people say whether he knew whether any one of your Choctaw ancestors did in fact comply in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir the one I spoke of - Aldridah.
Q Did he tell you that? A Yes Aldrich and Kitchen.
Q Did either of them tell you whether within six months after this treaty was made your ancestors assigned to the agent of the government in Mississippi their intention to remain there and become citizens? A He told me; yes, for I asked him just to find out if they knew who my father was and who did my grandfather marry and so on.
Q That doesn't answer my question. A Yes sir; they knew all about it; they told me they did; that was what I was told by them; the very same thing; they knew that to be a fact.
Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied with the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder. A No sir; I have nothing written from them only what I heard them say.
Q You have no written evidence of any kind to offer at this time have you? A No written evidence only these affidavits.
Q Have you any evidence of any description? A I've got some affidavits.
Q You haven't any here have you? A No sir I haven't got them now.
Q You have no witnesses here today have you? A No sir.

If you should find any witnesses whose testimony you desire to have taken they may appear before us here within fifteen days from today and their testimony will be taken; if you wish to offer any written evidence in support of this application such proper written evidence as may be offered within fifteen days will receive the consideration of the Commission.

On page 80 of volume One of the record of the court of Claims in the cases of the Choctaw Nation of Indians versus the United States number 12742 in what purports to be a copy of a portion of Colonel George W. Martin's Register of claims under the fourteenth article of the treaty of Dancing Rabbit Creek, in a column styled "Names of Reserved" appears the name of Chokachyou, it appearing that said

sixteen, township twenty six range five west was reserved by Colonel Martin for said Chakachye, while this name is not spelled exactly as the applicant spells the name of his great grandfather the pronunciation is quite similar; it is impossible to determine from the testimony of this applicant whether said Chakachye whose name appears in Colonel Martin's registry is in fact the great grandfather of this applicant.

Examination by Mr. Harrison, Attorney.

- Q What do you remember either of your personal knowledge or from what you have learned of your family history was the difference in the ages of Mary Motline Chakachye who married George Furtick and her father Chakachye? A Well about twenty or twenty one.
- Q Twenty or twenty one years? A Yes if I mistake not.
- Q In your examination in chief you stat that Mary Motline died in 1866 at the age of ninety years and that her father Chakachye died in 1845 at the age of seventy five years; that would make the ages of this father and this daughter pretty nearly the same would it not? A I reckon- I dont know.
- Q Well if it does according to your statement then have you made a mistake in that statement? A I wasn't positive.
- Q In other words was the father and the daughter the same age? A No sir; couldn't be.
- Q Then if you have said it or made a statement from which such an inference might be drawn you were mistaken about that.
- A Yes sir of course but that's the way I thought; just giving my views of the matter.
- Q You stated to the commissioner that the ages of Mary Motline Chakachye and Chakachyewere practically the same; I want to know now if you still stand by that statement or if you were mistaken? A Well, I want to understand it thoroughly before I speak; if I can understand what you are driving at then I will say.
- Q You stated that Mary Motline died at the age of ninety in '66 and that her father died in '46, about seventy five years of age and the difference between fortyfive and sixty six is twenty one and the difference between ninety and seventy five is about fifteen; then you estimate the difference in the ages between the father and mother about five or six years. You have stated in reply to my questions that the difference in the ages is about twenty-one years the father being elder than the daughter. A O yes.
- Q The Commission suggested to me to ask you which was the eldest the father or the daughter; what do you say; what is the difference between the age of Chakachye and his daughter Mary Motline? A She married quite young; I suppose twenty; I dont know, eighteen or somewhere along there.

Examination by the Commission.

- Q In which statement were you mistaken? A I was mistaken in the old man of course - bound to be a little because I didn't have a record.

William W. Furtick--14.

Examination by Mr. Harrison.

- Q Now explain to the Commission on your recollection of the facts as to their ages when they died and how old they were. A He was about -- between sixty and seventy when the treaty was made and I was about twelve years old - about that when he died.
- Q When you stated to the Commission that it was Mary Motline & Chekache who made the selection of section sixteen, twenty six, five, were you or were you not mistaken in that statement. A Well I was just going by what they told me.
- Q Did they tell you that she made the selection? A No her father.
- Q Her father made the selection? A Yes sir.
- Q It was her father and if you made the statement that Mary Motline Chekache made the selection of this land you were mistaken about that? A Yes sir; if I said it I was mistaken - not thinking.
- Q And your knowledge of it is derived from what you have heard mentioned and spoken about and discussed in your family? A Yes sir.
- Q Who was it that moved - of your Choctaw ancestors - who moved to the Mississippi river and about when was this transfer made if you know? A I dont know.
- Q You spoke of some of those witnesses whose names you mentioned as having assisted or helped them move to the Mississippi river; whom did you mean when you said them? A The Indians who took their portion on this side.
- Q Then you didn't refer to any of your Choctaw ancestors. A No sir.
- Q What is your recollection if you have any or information of all the members and the names thereof of the family of Chekache who were of age in 1830? A I dont know; my grandmother she was married -- had been before that and then there's other sisters of hers were not married at that time to my certain knowledge.

Examination by the Commission.

- Q Was your grandmother married more than once? A No sir.
- Q Have you any brothers living Mr Furtick? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Ervin and the other, Jacob.
- Q Where do they live? A I think Columbia, South Carolina.
- Q They have never been before this Commission? A No sir.
- Q Have you any sisters living? A I've got one.
- Q What's her name? A Margaret Jumper.
- Q Has she been before this Commission? A No sir.
- Q Have you any brothers dead? A No sir.
- Q Any sisters dead? A Yes sir.
- Q How many? A Two.
- Q Did either of them leave children? A Yes sir.
- Q What's the name of the one who left children? A Well I dont know; I dont live near them; I live a good ways from them.
- Q What was the name of this sister of yours who left children? A Tenny Crin.

- Q Was she married more than once? A No sir. And the other one she married a man by the name of Joseph Williams; her name's Mary.
- Q How many children did Fanny leave? A Three I think.
- Q Do you know their names? A No sir I don't now.
- Q How many children did Mary leave? A She left about six.
- Q Do you know their names? A One was named Joe; I can't tell all of their names.
- Q Give the name of another one if you can, A Ellen.
- Q Is she married? A Ellen's married.
- Q What's her husband's name? A I don't know.
- Q Do you know the name of another one of these children?
- A No sir.
- Q Do you know whether any of the children of your deceased sisters have been before the Commission? A No sir nary one of them have.
- Q How did your father's brother Louis Furtick leave any children?
- A No sir.
- Q Did your father's brother William Furtick leave any children?
- A Yes sir.
- Q How many children did he leave? A I think he had four.
- Q Are any of them living now? A I don't know; we are a good ways apart.
- Q Do you know the names of these four children? A No sir.
- Q You don't know whether they have been before the Commission?
- A No sir I think not.
- Q Did your father's brother David Furtick leave any children?
- A Yes sir.
- Q How many? A About four or five - somewhere along there.
- Q Are they living now? A Yes sir.
- Q Do you know their names? A I know one or two of them; Lawrence and Granville and George and then he had a girl named Caroline.
- Q Is she married? A Yes sir.
- Q What's her married name? A She married -- I don't believe I could call it now.
- Q Do you know whether any of these children have been before the Commission? A No sir they haven't I got a letter from Caroline; she said they had not and asked me information.
- Q Where do they live? A Some where over east of Alabama.
- Q In Alabama you mean? A Yes sir some of them do - and some - a few - some of them I don't know which went back to South Carolina.
- Q How did your father's sister Harriet Grim leave any children? A No sir.
- Q Did your father's deceased sister Rachel Rucker leave any children? A Yes sir.
- Q Do you know how many? A No sir.
- Q Do you remember the names of any of them? A No sir.
- Q Did your father's deceased sister Margaret Williams leave any children? A Yes sir but I don't know how many.
- Q Do you know the names of any of her children? A No sir.
- Q Did your father's mother's sister Ellen C. Miles ever have any children? A Yes sir I think she did - one.
- Q Do you know its name? A She didn't have but one to my certain knowledge; her name was Ellen. I don't know her married name.
- Q Did your father's mother's sister Willie Smith have any children? A She had two if I mistake not.

William W. Furtick--16.

- Q Do you remember their names? A No I dont know as I can call it now; I did know.
Q Do you know whether either of those children left children?
A No sir; I've seen them but I dont know whether I could call it now.

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Special reference is hereby made to M.C.R. 5574 Alice Gardner et al., the applicant in said case and the applicant in this case being the descendants of a common Choctaw ancestor.

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- Q Are there any further statements you care to make Mr Furtick in support of this application? A None that I know of.

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This applicant has the appearance of being a white man; shows no indication of being possessed of Indian blood; he has rather dark complexion, dark eyes; does not speak or understand the Choctaw language; he claims that his great grandfather Chekachyo complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek and that he in good faith settled upon section sixteen township twentysix range five but was in some manner within a year or two after having settled on this land deprived of it.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 17 day of July 1902 .

Guy L. V. Emerson
Notary Public.

M.C.R. 6069

Muskogee, Indian Territory, August 2, 1902.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 31st inst., enclosing the affidavits of John B. Aldrige and Margaret Cooper, which you offer for filing in support of the several applications for identification as Mississippi Choctaws included in the consolidated case of William V. Fortiak, et al.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 5, 1903.

William W. Furtick,

Corinth, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hosokiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James C. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5593
William C. Furtick, et al.	M.C.P. 5871
Tandy L. Caver	M.C.R. 5872
Thomas S. Smith, et al.	M.C.P. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocum	M.C.R. 5899
John Yocum	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

William W. Furtick,—2

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 6587
George Jumper, et al.	M.C.R. 6286
Moses Jumper	M.C.R. 6287
Hattie Cheves, et al.	M.C.R. 6320
George A. Everett,	M.C.R. 6321.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Arnie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper,

William W. Furtick,—3

William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orta Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Samuel S. [unclear]

Acting Chairman.

Registered.

MOR-6069

Muskogee, Indian Territory, February 26, 1907.

William W. Furtick,
Corinth, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 8, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

No. 6069

For Identification as a Mississippi Choctaw.

Date

JUL 17 1880

Name

William W Furtick

Age

71

Blood

1/4

Post-Office,

Corinth, Miss.

Father:

Henry Furtick d

Mother:

Caroline d

Claims through

father.

wife

Sue C. Furtick L

No claim for wife.

Children:

Stenographer

Clara M Wood

Choctaw MCR 6070

Jefferson D. Furtick

See MCR 5574

MCR 6070

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 17, 1902.

—0—

In the mat ter of the application of Jefferson Furtick for the identification of himself and his three minor children Jeffie, Emma L., and Eugenia Furtick as Mississippi Choctaws.

Thomas & Harrison attorneys for applicant represented by Mr. Harrison.

Jefferson Furtick being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jefferson D. Furtick.
Q How old are you Mr. Furtick? A I'm forty years old.
Q How much Choctaw blood have you? A I believe one sixteenth
no I would be one eighth according to my father.
Q What's your post office address? A Rienzi Mississippi.
Q What county? A Alcorn.
Q How long have you lived in the state of Mississippi?
A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A William W. Furtick.
Q Is your mother living? A No sir she's dead.
Q What was her name? A Eliza.
Q Through which one of your parents do you get your Choctaw
blood? A I through my father.
Q Is the William W. Furtick who appeared before the
Commission here this morning your father? A Yes sir.
Q Your mother had no Choctaw blood whatever? A No sir.
Q Through which one of his parents did William W. Furtick
get his Choctaw blood- father or mother.
A I dont know; he get it through his father I reckon.
Q What was his father's name? A Henry Furtick.
Q Through which one of his parents did Henry get his Choctaw
blood? A He got it through his father I think.
Q His father? A Let me see; Henry - no I guess he
get it through his mother.
Q What was her name? A That would be his gr andmother.
Q What was Henry's mother's name? A Mary Motline.
Q Did she have a Choctaw nation? A Yes her maiden name
was Chokachyo.
Q Sp ll that for us? A C-h-o-k-a-c-h-y-o. Let me see
C-h-o-k-a-c-h-y-o; I was thinking I spelled it that way.
Q Your father was never recognized in any manner or enrolled
as a member of the Choctaw tribe of Indians in Indian Terri-
tory? A No sir.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Her name is Leary Furtick. Her maiden
name was Bailey.
Q Has she any Choctaw blood? A No sir.
Q Do you make any claim for her? A I do not.
Q Have you been married more than once? A No sir.
Q Has your wife been married more than once? A She has not.
Q Have you any children living? A Yes sir.

Jefferson Furtick--2.

- Q How many? A Three.
- Q What are their names and ages the oldest first. A Jeffrie Furtick.
- Q How old is Jeffrie? A He will be twelve in August.
- Q The next one? A Emma L. Furtick.
- Q How old is she? A She's ten.
- Q The next one? A Eugenia Furtick.
- Q How old is she? A Five years old.
- Q The eldest one is a boy and the other two girls? A Yes sir.
- Q Are these children living with you at this time all three of them? A Yes sir.
- Q They are the children of yourself and Lucy Furtick? are they? A Yes sir.
- Q Were you married to her under a license? A Yes sir.
- Q When? A In 1888 I guess.
- Q Where? A In Alcorn County Mississippi.
- Q Who married you? A Miles Savage.
- Q What official position did he hold at that time? A As a preacher.
- Q Have you your license with you at this time? A Yes sir.
- Certified copy of the marriage license and certificate of J.D. Furtick and Lucy Bailey is offered in evidence identified as exhibit A and made a part of the record in this case.
- Q Are you the J.D. Furtick referred to in this license and certificate? A Yes sir.
- Q Is Lucy Bailey referred to in this license and certificate your wife and the mother of your three children? A She is.
- Q This application is for yourself and three minor children? A Yes sir.
- Q Was your father married more than once? A Yes sir married twice.
- Q How long has your mother been dead? A Been dead about eight years, seven or eight years.
- Q How long has your father been married to his second wife? A About a year or a year and a half or two years.
- Q Is your name or the name of anyone of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or anyone of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896. A No sir.
- Q Then neither you nor anyone of these children have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory have you? A We have not.
- Q Has any application of any description ever been made before today in your behalf or any one of these children for the purpose of establishing your rights as Choctaw Indians? A There has not.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under article

Jefferson Furtick--3.

fourteen of the treaty of Dancing Rabbit Creek?

A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time the treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; the fourteenth article provided that upon certain conditions a Choctaw who preferred to remain there and not move out west to the new nation might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article?

A I think so.

Q Did any of your Choctaw ancestors live in the old Nation in Mississippi and Alabama seventy two years ago when this treaty was made? A I've been taught by them that they did -- by my parents.

Q What one of your ancestors lived there at that time and was the head of a family? A I don't recollect.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838?

A I've been told or taught that they did not.

Q Did any of them own an improvement in what constituted the old Choctaw Nation in Mississippi or Alabama; any of your ancestors -- own an improvement in Mississippi and Alabama? when this treaty was made in 1830?

Jefferson Furtick--4.

- A I've been told that they did.
- Q What one of them owned an improvement there at that time?
- A Why it was my great grandmother's father.
- Q What was his name? A Chekachyo.
- Q How do you spell that? A C-h-e-k-a-c-h-y-o.
- Q Do you know where that improvement was located? A I have heard the numbers of the land called but I don't know where it's at.
- Q What are the numbers of the land? A Section sixteen, township twenty six range five.
- Q You do not know where they are? A No sir; I never looked it up nor tried to see.
- Q Do you know of what that improvement consisted in 1830, the improvement on this land, what it consisted of? A No sir I don't know.
- Q Do you know whether any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi become citizens of the states and take land? A I've heard it said -- through neglect of the land agent or some law that was passed that they were deprived of it is all I know.
- Q Who did you hear say it? A My father and my other connection the Jumper delegation.
- Q Do you know whether any of your Choctaw ancestors ever did in fact comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A No sir; I don't know it because I was 'nt old enough.
- Q Have you any information that they did comply with the provisions of the fourteenth article of the treaty of 1830?
- A Only what I've been told by my folks that they did comply with the fourteenth article.
- Q Now your father's father was the head of a family in 1830 was he - your father was born in 1831? A Yes sir.
- Q On September 27, 1830 your father's father was married and head of a family? A Yes sir.
- Q Do you know whether he ever complied or attempted to comply with the provisions of this fourteenth article?
- A No sir I don't myself.
- Q Did you ever hear that Henry Furtick did? A No sir.
- Q Your information has been that your great grandmother's father complied with the provisions of this article?
- A Yes sir.
- Q You never heard of any of his descendants ever having complied with it? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the name of this agent was William Ward known as Colonel William Ward; the records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay in Mississippi become citizens of the states and take land under this fourteenth article; on this account the government at its public land sales in Mississippi in many instances sold land upon which Indians lived and had improvements and which

the Indians supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1842 and held sessions down there in the Choctaw country and heard a great many of those Choctaw cases.

- Q Do you know whether any of your Choctaw ancestors appeared before any of those Commissioners and attempted to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A If they did I never heard of it.

An act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi or in Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress? A If they did I never heard of it.
- Q You never heard of any of your ancestors ever having received any benefits whatever as Choctaws? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830? A No sir I dont.
- Q Did you ever hear that they were? A Well I've heard that they were Choctaw Indians.
- Q You dont know whether they associated entirely with the Indians and were recognized as members of the tribe at that time or not? A No sir I dont.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article Fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits under that fourteenth article? A I know of two or three.
- Q They are the same persons named by your father here in his testimony are they? A Yes sir.
- Q You dont know of any written evidence of any description do you that would prove or tend to prove that your ancestors ever complied with this treaty provision? A I do not.
- Q Have you any written evidence of any description to offer at this time in support of your application? A I have not.
- Q Have you any witnesses here today? A No sir.

Jefferson Furtick--6.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from today and their testimony will be taken or if you should see fit to offer any written evidence in support of this application such proper written evidence as may be offered within fifteen days from today will receive the consideration of the Commission.

Q Are there any further statements you want to make at this time in support of your application? A No sir.

By Mr. Harrison:

We would like to ask your honor please that this case be consolidated with the Alice Gardner case M.C.R. 5574.

By MR. Harrison.

Q What you know about your Choctaw ancestry is such information as you have derived from conversation with different members of your family from time to time relative to your family history and tradition is it not? A Yes sir.

Q You have no personal recollection or personal knowledge of the facts about which you testify, particularly with reference to selection of land or the fact of residence in 1830 of your ancestors who at that time were the heads of families. A No sir I have no personal knowledge of that.

By the Commission:

Q You don't speak or understand the Choctaw language do you?
A No sir.

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Special reference is hereby made to M.C.R. 6069 William W. Furtick et al., the principal applicant in said case and th being the father of the principal applicant in this case; in the said William W. Furtick case will be found a recitation of facts as disclosed by the records of the Commission with reference to a compliance on part of the ancestors of this applicant with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood has rather dark hair, light mustache, rather fair complexion, gray eyes; does not speak or understand the Choctaw language; he has no knowledge of compliance on part of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her

Jefferson Partick--7.

Each states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara M. Hall

Subscribed and sworn to before me this 21 day of July 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 5, 1908.

Jefferson D. Furtick,

Rienzi, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5874
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William F. Hunt, et al.	M.C.R. 4815
Hosekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5876
Cassie Bates, et al.	M.C.R. 5876
Minnie Smith	M.C.R. 5877
Nancy Yocum, et al.	M.C.R. 5880
Philip Jumper, et al.	M.C.R. 5883
William G. Furtick, et al.	M.C.R. 5871
Tandy L. Caver	M.C.R. 5872
Thomas B. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Elia Lewis, et al.	M.C.R. 5884
Willie Drowry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocom	M.C.R. 5890
John Yocom	M.C.R. 5900
William W. Furtick	M.C.R. 6068
Jefferson D. Furtick, et al.	M.C.R. 6070

COPY

Muskogee, Indian Territory, January 8, 1903.

Jefferson D. Furtick,

Rienzi, Mississippi.

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Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5583
William G. Furtick, et al.	M.C.R. 5571
Tandy L. Gaver	M.C.R. 5572
Thomas G. Smith, et al.	M.C.R. 5582
John E. Everett, et al.	M.C.R. 5583
Ella Lewis, et al.	M.C.R. 5584
Willie Drowry	M.C.R. 5585
Charles J. Smith	M.C.R. 5586
Mary Jones, et al.	M.C.R. 5588
Will Yocom	M.C.R. 5599
John Yocom	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

Jefferson D. Furtick,—2

Frank M. Furtick, et al.	M.C.R. 8071
Sallie Bearing, et al.	M.C.R. 8072
Elisa Michael, et al.	M.C.R. 8073
William A. Jumper	M.C.R. 8074
George A. Jumper, et al.	M.C.R. 8075
James A. Yates, et al.	M.C.R. 8076
Bill E. Yates, et al.	M.C.R. 8077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hosekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin

Jefferson D. Furtick,--5

Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pat Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Chablotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Charles C. [Signature]
Acting Chairman.

Registered.

MOR-6070

Muskogee, Indian Territory, February 28, 1907.

Jefferson D. Purtick,
Rienzi, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date JUL 17 1902

Name Jefferson D Furtick

Age 40 Blood 1/8

Post-Office, Rienzi, Miss.

Father: Wm W. Furtick L

Mother: Eliza " d

Claims through father
wife Lucy Furtick L
No claim for wife.

Children:

Jeffie Furtick 11

Emma L. " 10

Eugenia " 5

Def has 3 children

Stenographer

Clara M. Wood

Choctaw MCR 6071

Frank M. Furtick

See MCR 5574

MCR 6071

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 17th, 1902.

40871

In the matter of the application of Frank M. Furtick for the identification of himself and his two minor children, Frankie and Alice Furtick, as Mississippi Choctaws, and his niece Louis Furtick.

Thomas A. Harrison, attorneys for applicant.

Frank M. Furtick, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Frank M. Furtick.
Q How old are you? A Thirty-six years old.
Q Thirty-six? A Yes sir.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q One-eighth? A Yes sir.
Q What is your post office address? A Ricani, Mississippi.
Q How do you spell it? A R I C A N I.
Q How long have you lived in the state of Mississippi? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A William V. Furtick.
Q Is your mother living? A No sir.
Q What was her name? A Eliza Furtick.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Is the William V. Furtick who appeared before the Commission here this morning your father? A Yes sir.
Q Where was he born? A Why in Mississippi.
Q Lived there all his life has he? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood? His grandfather.
Q His father or mother? A His father.
Q What was his father's name? A Henry Furtick.
Q What was your father's mother's name? A My father's mother? Yes? A Eliza.
Q A white woman? A Yes sir.
Q Are you sure your father's mother was Eliza? A Yes sir, my father's mother's name was.
Q Eliza? A Yes sir; O, I was thinking about my mother - - her name was Caroline; I was thinking about my mother.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father's father and mother. Your father, in connection with his application this morning, furnished evidence of his marriage to your mother. Fifteen days from this date will be allowed within which to furnish the Commission with proper evidence of the marriage of Henry and Caroline Furtick, the parents of your father. Your father was requested at the time he made his application to furnish this evidence and if it is furnished in his case it will not be necessary that you furnish it in your case.

- Q Your father was never recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory was he? A No sir, not that I know of.
- Q Do you know where Henry Furtick was born? A No sir, I do not.
- Q Did you ever hear of his having ever lived anywhere else except in the state of Mississippi? A No sir.
- Q Do you know the name of his mother? A Henry Furtick's mother? Yes? A Mary Netteline.
- Q Did she have an Indian name? A Yes sir.
- Q What was her Indian name? A Why, Cho-ka-shye.
- Q Spell that for us please? A C h o - k a - s h y e.
- Q Are you married? A Yes sir.
- Q Have you been married more than once? A No sir.
- Q Has your wife been married more than once? A No sir.
- Q Is she living? A Yes sir.
- Q What is her name? A Mollie.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Two.
- Q What are their names and ages? A Frankie is the oldest one.
- Q Boy or girl? A Girl.
- Q How old is she? A Two years old.
- Q Next one? A Alice.
- Q Another girl? A Yes sir.
- Q How old is she? A She's ten months old.
- Q These children are both living with you at this time are they? Yes sir.
- Q And they are both the children of yourself and Mollie Furtick? Yes sir.
- Q Were you married to her under a license? A Yes sir.
- Q Have you that license with you at this time? A Yes sir.
- Q Do you desire to offer it in evidence? A Yes sir.
- Q You present here a certified copy of the marriage license and certificate of P. M. Furtick and Mollie Holmes; are you the P. M. Furtick referred to in this license? A Yes sir.
- Q And the Mollie Holmes referred to in this license is your wife and the mother of these two children? A Yes sir.
- Q The certificate of the clerk of the circuit court of Prentiss county, Mississippi, attached to the copy of this marriage license and certificate fails to bear the seal of the court; do you desire to offer this marriage license in evidence in support of your application?

#3.

By Mr. Harrison:

Not in its present condition. I desire to withdraw it for the purpose of having the seal attached, and then desire to have the right of presenting it at a later date when I shall have obtained the seal.

By the Commission:

Permission is hereby granted to withdraw this marriage license and certificate for the purpose of having the seal of the clerk of the Prentiss county court attached thereto. You will be allowed fifteen days in which to furnish proper evidence of the marriage of yourself and Mollie Holmes.

- Q Is this application for yourself and two minor children?
A Two minor children?
Q Yes? A Two minor children, yes sir.
Q These children are both living are they? A Yes sir. I have living with me an orphan child, the child of my deceased brother Lewis B. Furtick, for whom I also desire to make application.
Q What is the name of this child Mr. Furtick? A Louis Furtick.
Q How old is she? A She's seven years old.
Q Her father's name was Lewis B. Furtick? A Yes sir.
Q And he was your full brother? A Yes sir.
Q What was the name of this child's mother? A Baxter Furtick.
Q Did she have any Choctaw blood? A No sir.
Q How long has Lewis B. Furtick been dead? A Why, six years.
Q How long has Baxter Furtick been dead? A Been dead ten months.
Q How long has this child been living with you? A Ever since its father died.
Q The mother of the child also lived with you did she? A Yes sir.
Q Have you ever been legally appointed guardian for the child?
A Why, no sir.
Q You support this child and maintain it the same as if it was your own? A Yes sir, the same as if it was my own.
Q Do you know whether its parents were legally married? A Yes sir.
Q Were you present at their marriage? A No sir.
Q How long did they live together as husband and wife? A I think it was about two years.
Q Two years? A Yes sir.
Q Well, have you with you at this time either their original marriage license and certificate or a certified copy of it? A I have not.

It will be necessary that the Commission be furnished with proper evidence of the marriage of Lewis B. and Baxter Furtick, the parents of this minor orphan child for whom you make application. You will be allowed a period of fifteen days in which to offer such evidence.

- Q This application then is for yourself, two minor children, and one minor orphan niece? A Yes sir.

#4.

- Q Is your name or the name of your niece to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Has any application ever been made to the Choctaw tribal authorities in Indian Territory, for you or these children, for the purpose of establishing your rights as Choctaw Indians?
- A Yes sir.
- Q To the tribal authorities? A No sir.
- Q Was an application made to this Commission in 1896 for you or your orphan niece for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Then neither of you have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Has any application of any description ever been made before today for you or your niece or either of these children, for the purpose of establishing your rights as Choctaw Indians?
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself, two minor children and your minor orphan niece, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws were living in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of the Choctaw Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as might be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the

present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article as you Mr. Furtick?

A I think so.

Q Well are you sure of it now; if you are not sure of it I will explain it to you? A No sir, I am not sure.

In case a Choctaw who might have been living back in the old Nation in Mississippi and Alabama in 1830 when this treaty was made, decided that he preferred to stay back there in the old Nation and not move out west to the new country, he had the right to receive lands back there in the old Nation from the government upon certain conditions. First, he was required by the terms of that fourteenth article to let the Agent of the government there in Mississippi at that time know within six months from February 24, 1831--the day the treaty was ratified--that he wanted to stay there and become a citizen of the states and take land. The Agent of the government there at that time was Colonel Wm. Ward. Now after the Indian had let Colonel Ward know that he wanted to stay there and take advantage of the provisions of article fourteen of the treaty and thus become a citizen of the states and take lands, he was entitled to a reservation of one whole section of land to be bounded by sectional lines of survey; and for each child in his family over ten years of age and unmarried on the 27th day of September, 1830--the day the treaty was made--he was entitled to an additional three hundred and twenty acres; and for each child in his family under ten years of age at that time he was entitled to an additional one hundred and sixty acres; the reservations of these children to adjoin the location of the parents, and the reservations so made for these Indians under this fourteenth article were required in each instance to include the improvement of the head of the family as it existed on September 27, 1830--the day the treaty was made. Now if the Indians lived on this land so reserved for them intending to become citizens of the states for five years from February 24, 1831--the day this treaty was ratified--they were entitled to a grant in fee simple, that is, the government would give them a deed or patent to the land and it would become the property of the Indians to dispose of at his own pleasure. The last clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is, a person who remained there in Mississippi and took land under that fourteenth article should not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever later moved out to the new Nation west of the Mississippi river, he was not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaw Indians from the govern-

ment of the United States under treaty provisions.

- Q Do you think now you understand that fourteenth article clearly?
A Yes sir, I think so.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
A Why, I don't think they ever received any benefits of it; I think though they applied.
- Q Applied for benefits under that? A Yes sir.
- Q When? A I don't know; I couldn't tell you.
- Q What one of your ancestors do you think complied with the provisions of this fourteenth article? A What one?
Yes? A You mean what one way back?
- Q Well any one that was in the old Nation there in 1830 when the treaty was made? A Che-ka-ohye.
- Q What relation is he to you? A I don't know that I can tell you.
- Q Are you a direct descendant of Che-ka-ohye? A Why, I think so.
- Q Well, now your father was born about a year after this treaty was made? A He was our great-great-grandfather, Che-ka-ohye was.
- Q Great-great-grandfather? A Yes sir.
- Q Your father was born about a year after this treaty was made wasn't he? A I don't know.
- Q Don't you know he was born in 1831? A No sir, I don't know that he was.
- Q His father was married September, 1830, when this treaty was made wasn't he--Henry Furtick? A Yes sir, that's what I have been taught.
- Q Now do you know whether he ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Never heard that he did? A No sir.
- Q But you have heard that your great-great-grandfather did comply?
A Yes sir, I have been told that and taught.
- Q How did he comply? A I don't know that; I can't tell you.
- Q Well what did you ever hear about his complying with the provisions of this fourteenth article; tell us what you have heard?
A I have just heard that he was on a certain number of land down there and it was taken away from him by some means--some law or somethinglike that.
- Q That's all you ever heard about it? A Yes sir.
- Q That's all you know about the compliance on the part of your ancestors with the provisions of this treaty? A Yes sir.
- Q Where did you hear that? A Well my father has told me that.
- Q You don't know whether he claimed under the fourteenth article of this treaty or not do you? A Who?
- Q Your great-great-grandfather? A Yes sir, I have been told he did.
- Q Do you know where your father's father was living in 1830?
A No sir, I do not.
- Q Do you know where any one of your ancestors was living in the year 1830? A No sir, I do not.
- Q Do you know whether any one of them was a recognized member of

#7.

the Choctaw tribe of Indians at that time? A No sir, I do not.

- Q Do you know whether any one of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that he wanted to stay there and become a citizen of the states and take land? A No sir.
- Q Do you know whether any one of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir.
- Q Did you ever hear of any of your Choctaw ancestors ever having received any land from the government under this treaty provision? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The name of this Agent was, as I have heretofore told you, Wm. Ward. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land under this fourteenth article. On this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissions and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

#2.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A No sir.
- Q Are you sure of that? A I don't know.
- Q You never heard of any of them getting any? A No sir.
- Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
- Q Any witnesses here to-day to testify in your behalf? A Yes sir, I reckon.
- Q Who are your witnesses? A Witnesses of what?
- Q I didn't know but what you had some witnesses here to testify? A No, no.
- Q What relation are you to Jefferson T. Furtick who appeared before the Commission here this morning? A Brother.
- Q Full brother? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskegee within fifteen days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of this application, such proper written evidence as may be offered within a period of fifteen days will receive the consideration of the Commission in the determination of your rights.

- Q Have you anything further to state in support of your application? A No sir.

Special reference is hereby made to M C R 5574/ Alice Gardner et al., and M C R 5069, William W. Furtick, the applicants in said cases and the applicants in this case being the descendants of a common Choctaw ancestor.

By the Commission to Mr. Harrison:

- Q Are there any questions you want to ask him Mr. Harrison?

By Mr. Harrison to applicant:

- Q You stated in answer to a question by the Commission that you had never heard that any of your Choctaw ancestors had ever received any land; upon reflection, is that true? A Well, not until right lately.
- Q I mean your ancestors back in 1830? A No sir.
- Q You have never heard then that in 1830 any Choctaw ancestors ever received any land in the state of Mississippi from the government? A No sir.

#9.

- Q Did you ever hear of a common ancestor of the Furtick family by the name of Che-ka-cho? A Yes sir.
- Q Did you ever hear of Che-ka-cho ever having received any land as a Choctaw in 1830 in Mississippi? A No sir.
- Q Do you fully understand the questions which I have just asked you? A No sir.
- Q Who do you claim Che-ka-cho to have been? One of your Choctaw ancestors? A Yes sir.
- Q Do you recollect having heard any members of your family in speaking of your Choctaw ancestors and their residence in the state of Mississippi prior to 1830, and about the time of 1830, ever having received any lands or the right to receive any lands in Mississippi, and if so, what particular ancestor was that? A I have heard my father speak of.
- Q Of whom? A Che-ka-cho.
- Q You have heard your father speak of your ancestor Che-ka-cho having received lands; is that the way you understand it? In Mississippi? A Yes sir.
- Q Then in your statement that you have never heard that any of your Choctaw ancestors had received any lands in Mississippi, you are mistaken in that statement are you? A I believe I never heard of any of them ever having received any lands.
- Q Have you ever heard of Che-ka-cho ever having received any lands? A I have heard about him going on some land.
- Q Then you make the distinction between going on land and receiving lands do you? A No sir, of course if he went on it he was - - -
- Q Then it is your understanding that your ancestor Che-ka-cho went on some lands in Mississippi in the early days; now did you ever hear any one of your family attempt to give the numbers of that land? A I have heard my father.
- Q Do you now recall what numbers your father attempted to give you of that land? A Why there was 116 in township 26 and range 5.
- Q Then you have heard that some of your Choctaw ancestors did receive lands in Mississippi in 1830? A Only what my father told me about receiving some lands there and was on it a while.
- Q Then you answer that question, yes or no? A Well, I couldn't answer; only just what I have heard him say.
- Q Well, if you have heard your father say, then you must answer it "yes sir" wouldn't you? A Yes sir.
- Q Then with the explanation which you have given would you or would you not now say that you have ever heard that any one of your Choctaw ancestors ever received or went on lands in Mississippi in 1830? A No sir, I never except what my father told me.

By the Commission:

- Q When did you, Mr. Furtick, hear of the numbers that your ancestor Che-ka-cho you say went upon in 1830? A Why, it was in the last few years back.
- Q You know where that land is situated? A No sir, do not.
- Q You never saw it? A No sir.
- Q Have you told us now all you know with reference to whether any of your ancestors ever complied with this treaty provision?

#10.

A Yes sir.

Q And all you have ever heard about it? A Yes sir.

Q You don't speak or understand the Choctaw language do you Mr. Furtick? A No sir.

Q Are there any additional statements you desire to make at this time in support of your application? A No sir.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has rather light hair, fair complexion, brown eyes, doesn't speak or understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, although he claims to have heard that one of his ancestors, Cho-ka-why, did comply with the provisions of the fourteenth article.

Special reference is hereby made to M C R 6069, William W. Furtick; said William W. Furtick being the father of this applicant, in which will be found a full recitation of the facts as shown by the records in the possession of the Commission as to whether any of the ancestors of this applicant have ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 31st day of July, 1902.

Guy L. Emerson
Notary Public.

X O R 8071

Muskogee, Indian Territory, July 24, 1902.

Thomas A. Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd inst., enclosing certified copy of marriage record between F. M. Furtick and Miss, Nellie Holmes, also certified copy of marriage record between L. B. Furtick and Baxter Holmes which you offer for filing in support of the application made by Frank M. Furtick for the identification of himself and his children and his niece as Mississippi Choctaws. The same have been filed with the record in this case.

Yours truly,

Commissioner in charge.

COPY

Muskogee, Indian Territory, January 5, 1903.

Frank M. Furtick,

Rienzi, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4703
William F. Hunt, et al.	M.C.R. 4815
Hosekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nanoy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5593
William C. Furtick, et al.	M.C.R. 5871
Tandy L. Caver	M.C.R. 5872
Thomas S. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocum	M.C.R. 5899
John Yocum	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson B. Furtick, et al.	M.C.R. 6070

Frank M. Furtick,—2

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles P. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Beasie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin

Frank M. Furtick,—3

Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drowry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tama Kirby

Acting Chairman.

Registered.

MCR-6071

Muskogee, Indian Territory, February 28, 1907.

Frank M. Furtick,

Rienzi, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 16, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Frank M. Furtick

Age 36 Blood $\frac{1}{8}$

Post-Office, Rienzi, Miss.

Father: Wm M. Furtick

Mother: Eliza "

Claims through father.

Wife Mollie Furtick

No claim for wife.

Self, two children and one
minor orphan niece.

Children:

Frankie Furtick F 2

Alice " F 10 mo

~~Louis~~ Louis Furtick F 7Father Lewis D. " $\frac{1}{8}$ d

Mother Baxter " (white) d

Stenographer

W G Mornicean

Choctaw MCR 6072

Sallie Dearing

See MCR 5574

MCR 6072

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., July 17th, 1902.

40072

In the matter of the application of Nellie Dearing for the identification of herself and her three minor children, Mary, Jim, and Alexander B. Dearing, as Mississippi Choctaws.

Thomas A. Harrison, attorneys for applicant.

Nellie Dearing, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Nellie Dearing.
Q How old are you? A Thirty.
Q How much Choctaw blood have you? A Guess I have an eighth.
Q What is your post office address? A Corinth, Mississippi.
Q What county? A Alcorn county.
Q How long have you lived in Mississippi? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A William V. Furtick.
Q Is your mother living? A No sir.
Q What was her name? A Name was Eliza Furtick.
Q Through which one of your parents did you get your Choctaw blood? A Father.
Q Is the William V. Furtick who appeared before the Commission here this morning your father? A Yes sir.
Q Has he lived in Mississippi all his life? A Yes sir, since I knew him.
Q Through which one of his parents did he get his Choctaw blood? A From his father.
Q What was his father's name? A Henry Furtick.
Q What was your father's mother's name? A Named Caroline.
Q She had no Choctaw blood did she? A No.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father's father and mother. Your father at the time he made application was requested to furnish this evidence, and if it is furnished in his case or the case of any of your brothers it will be sufficient. In other words, this marriage only has to be proved in one of your cases. A period of fifteen days from to-day will be allowed in which to furnish this evidence.

#2.

- Q Through which one of his parents did Henry Furtick get his Choctaw blood? A From his mother.
- Q What was her name? A Mary Nettoline Cho-ka-chye.
- Q How do you spell the middle name? A N e t t o l i n e.
- Q How do you spell her last name? A C h o - k a - c h y e.
- Q How old would your father's father be if he were living now? A I don't know.
- Q Do you know in what year he was born? A No sir.
- Q How much Choctaw blood did Mary Nettoline Cho-ka-chye have? A She was a full blood Choctaw; if her father was, she was.
- Q What was her father's father? A Cho-ka-chye.
- Q What was her mother's name? A I don't know.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not that I know of.
- Q Are you married? A I have been.
- Q Is your husband living? A No sir.
- Q What was his name? A Alexander Dearing.
- Q Did he have any Choctaw blood? A Not any.
- Q Have you any children living? A Three.
- Q What are their names and ages, the oldest first? A Mary.
- Q How old? A She's eleven.
- Q Next one? A Jim.
- Q How old is Jim? A He's nine.
- Q Next one? A Alexander B.
- Q How old is he? A He is five.
- Q Are these three children living with you at this time? A Yes sir.
- Q They are the children of yourself and Alexander Dearing are they? A Yes sir.
- Q This application then is for yourself and three minor children? A Yes sir.
- Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or any one of these children, to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or for any one of these children? A No sir.
- Q Then neither you nor any one of these children have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Dawes Commission or the United States Court for Indian Territory have they? A No sir.
- Q Is this the first application of any description that has ever been made for you or any one of these children? A Yes, by us.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and three minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the

#3.

time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Choctaw Nation and not move out west might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after their ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; do you understand it clearly?
- A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this article or ever receive any benefits thereunder? A Yes sir.
- Q What one of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A My great-great-grandfather Che-ka-cho.
- Q How do you spell that? A C h e - k a - c h y o.
- Q How did he comply with the provisions of this fourteenth article? A How did he comply?
- Q In what manner? A Well he entered a piece of land and went on it and all I knew is that he went on it and he claimed that he was beaten out of it; that's all I knew.
- Q Do you think going on a piece of land back there at that time constitutes a compliance with the provisions of this fourteenth article? A Well, they had the privilege of going on it.
- Q Well now that's all he did to your knowledge to comply with the provisions of this fourteenth article? A I don't know much about it; of course just what I heard them say--he applied for

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it but he didn't get it under some condition of law, some mistake or something, I don't know.

Q Did you ever hear whether he within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that he wanted to stay there and become a citizen of the states and take land?

A Why, I don't know.

Q Don't remember of ever having heard that do you? A No sir.

Q Do you know where he was living in 1830? A Yes sir, lived in the lower part of Mississippi somewhere; I don't remember - - I don't remember my grandfather - - -

Q Do you know whether this man Che-ka-choe owned an improvement there at that time in the old Choctaw Nation in 1830?

A I think that was what he tried to claim; what he thought would be his - - - what the law was going to allow him.

Q Think he had an improvement there at that time? A I think he did.

Q Do you know where that land was situated? A No, I know it as in the lower part.

Q You don't know in what county? A No.

Q Do you know the numbers of the land? A Why 16 - 26 - 5; I just knew what the rest said.

Q How did you hear that that was the numbers of that land?

A I just heard them speaking of it, and I think some had a note of it, that is, been noted down.

Q Now you think this land was claimed by your great-great-grandfather under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you know whether he lived upon this land for five years from February 24, 1831? A I don't know how long he lived there.

Q Never heard about that did you, as to whether he did live on it that length of time? A I never heard any one say.

Q Did you ever hear of your father's father or his mother--either of them--ever having claimed or received any land from the government under this fourteenth article? A No, I always heard that they never received any is all that I heard about it.

Q Never heard of either of them ever having claimed any land under this article? A You mean contested for it?

Q Henry Furtick or his mother? A You mean making claim for the land?

Q Yes? A No, not that I knew of.

Q The only one of your ancestors whom you ever heard complied or attempted to comply with the provisions of this fourteenth article is this man Che-ka-choe? A Yes sir.

Q Have you told us now everything that you ever heard in regard to a compliance on the part of this ancestor with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir, I think so.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent there in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land under this fourteenth article. The records of the government show

that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors to your knowledge appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?
 A I don't think they ever did. I never heard any of them say they did.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government, they should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A Not that I know of.
 Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir.
 Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830, seventy-two years ago? A Recognized?
 Q Recognized members of the tribe at that time; do you know whether they were? A No sir.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
 Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
 Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
 Q Any witnesses here to-day to testify in your behalf? A No sir

#6.

In case you should find any witnesses whose testimony you desire to have taken before the Commission they may appear here before us at Muskegee within fifteen days from to-day and their testimony will be taken; or if you should find any written evidence of any kind which you desire to offer in support of this application, such written evidence as may be offered within fifteen days from today will receive the consideration of the Commission.

Q Any further statements you want to make? A No sir.

By the attorney:

Q Are you acquainted with a Mrs. Margaret Cooper? A I cant say I am acquainted with her really.

Q Have you any reason to believe that she is possessed of information relative to this claim you make, and particularly with reference to your ancestor Che-ka-ohye having at one time, about 1820, lived in Mississippi and attempted to take land there as a Choctaw Indian? A Why, as she has been connected with the older part of the family--my parents--I suppose she does know something.

Q You don't know as much about that as some of the older members? A We moved from there - - -

Q And what information you have given the Commission during this investigation has been derived from conversation among your relatives and from your general family history and the tradition of your family? A Yes sir.

By the Commission:

Q You don't speak or understand the Choctaw language do you? A No sir.

Special reference is hereby made to M C R 5874, Alice Gardner et al., and M C R 6069, William W. Furtick, the applicants in said cases and the applicants in this case being the descendants of a common Choctaw ancestor.

This applicant has the appearance of being a white woman, shows indications of being possessed of Indian blood; has rather light hair, light complexion, blue eyes; she doesn't speak or understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, although she claims to have heard that one of her ancestors, Che-ka-ohye, complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. As to what is disclosed by the records in the possession of the Commission with reference to this point, special reference is hereby made to M C R 6069, William W. Furtick.

47.

Albert C. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert C. McMillan

Subscribed and sworn to before me this 31st day of July, 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 5, 1903.

Sallie Dearing,

Gorinth, Mississippi

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4708
William F. Hunt, et al.	M.C.R. 4815
Hesekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Hinnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James O. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Phillip Jumper, et al.	M.C.R. 5583
William O. Furtick, et al.	M.C.R. 5571
Tandy L. Caver	M.C.R. 5572
Thomas S. Smith, et al.	M.C.R. 5582
John E. Everett, et al.	M.C.R. 5583
Ella Lewis, et al.	M.C.R. 5584
Willie Drowry	M.C.R. 5585
Charles J. Smith	M.C.R. 5586
Mary Jones, et al.	M.C.R. 5588
Will Yocum	M.C.R. 5589
John Yocum	M.C.R. 5590
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

Sallie Dearing,—8

Frank M. Partick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Elisa Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver F. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jennie Hunt, William F. Hunt, Boyd E. Hunt, Hensleigh B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Mattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patten, Hester Patten, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin

Sallie Dearing.—3

Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pot Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Cussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alise Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby.

Acting Chairman.

Registered.

MUR-6072

Muskogee, Indian Territory, February 28, 1907.

Sallie Dearing,
Corinth, Mississippi.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date _____
 Name *Sallie Searing*
 Age *30* Blood *1/8*
 Post-Office, *Corinth, Miss.*
 Father: *Wm W Furtick* L
 Mother: *Eliza* " d
 Claims through *Father*
husband
Alexander Searing d
No Choctaw blood.

For self and *3* children

Children:

<i>Mary</i>	<i>Searing</i>	<i>11</i>
<i>Jim</i>	"	<i>9</i>
<i>Alexander B.</i>	"	<i>5</i>

Stenographer

W. S. McMillan

Choctaw MCR 6073

Eliza Michael

See MCR 5574

MCR 6073

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 17th, 1902.

40073.

In the matter of the application of Eliza Michael for the identification of herself and her five minor children, Andrew Carpenter, James Carpenter, Willie Carpenter, Bellie Lee Carpenter, and Kala Michael, as Mississippi Choctaws.

Thomas A. Harrison, attorneys for applicant.

Eliza Michael, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Eliza Michael.
Q How do you spell it please? A M i c h a e l.
Q How old are you? A Twenty-eight.
Q How much Choctaw blood have you? A I couldn't tell you how much.
Q What is your post office address? A Ivey, Mississippi.
Q What county? A Prentiss.
Q How long have you lived in Mississippi? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A William Jasper.
Q Mother living? A No sir.
Q What was her name? A Sallie.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q Has your father ever been before the Commission? A No sir, but he is here.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother and you will be allowed a period of fifteen days from to-day in which to furnish such evidence.

- Q You present here a certified copy of the marriage license and certificate of W. A. Jasper and Sallie Crowell; is this W. A. Jasper your father? A Yes sir.
Q And Sallie Crowell referred to in this license is your mother?
A Yes sir.

Certified copy of the marriage license and certificate of W. A. Jasper is offered in evidence, identified as exhibit "A", filed and made a part of the record in this case.

It will not be necessary then for you to furnish any further evidence of the marriage of your father and mother.

- Q Where was your father born Mrs. Michael? A In Mississippi.
 Q Has he lived in the state of Mississippi all his life? A Yes sir.
 Q Through which one of his parents did he get his Choctaw blood?
 A Father.
 Q What was his father's name? A James Jumper.
 Q Through which one of his parents did James Jumper get his Choctaw blood? A His mother.
 Q What was her name? A Elizabeth Furtick.
 Q Furtick was her maiden name was it? A Yes sir.
 Q Through which one of her parents did Elizabeth get her Choctaw blood—her father or mother? A Her mother.
 Q What was her mother's name? A Mary Metteline.
 Q Well did Mary Metteline have a Choctaw Indian name? A Yes sir.
 Q What was that Indian name? A Che-ka-choe.
 Q Can you spell it? A No sir.
 Q Well let's hear you try to spell it? A I don't want to try.
 Q What was the name of Mary's father—Mary Metteline's father?
 A Che-ka-choe.
 Q Choctaw blood comes down just one side of your family, from Mary Metteline? A Yes sir.
 Q Was Mary Metteline a full blood Choctaw woman? A Yes sir, so they say.
 Q Well you would be a one-sixteenth Choctaw wouldn't you, according to that, is that correct? A I reckon so.
 Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
 A No sir.
 Q Are you married? A Yes sir.
 Q Is your husband living? A Yes sir.
 Q What is his name? A Joseph Michael.
 Q Has he any Choctaw blood? A No sir.
 Q You make no claim for him do you? A No sir.
 Q Have you any children living? A Yes sir.
 Q How many? A Five.
 Q What are their names and ages, the eldest first? A Andrew Carpenter; I have been married twice.
 Q How old is Andrew Carpenter? A Ten years.
 Q Next one? A James Carpenter.
 Q How old is James? A Eight.
 Q Next one? A Ollie Carpenter.
 Q Ollie a boy or girl? A Girl.
 Q How old? A Six.
 Q Next one? A Dollie Lee.
 Q Carpenter? A Yes sir.
 Q How old? A Three.
 Q Next one? A Lala Michael.
 Q How old is Lala? A Two months.
 Q The youngest one is the child of yourself and Joseph Michael?
 A Yes sir.
 Q What is the name of the father of your four eldest children?
 A William Carpenter.
 Q Is he living? A No sir.

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- Q Did he have any Choctaw blood? A No sir.
- Q Are all five of these children living with you at this time?
- A Yes sir.
- Q This application then is for yourself and five minor children?
- A Yes sir.
- Q Is your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory? Your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory?
- A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children, to be admitted or enrolled as members of the Choctaw tribe?
- A No sir.
- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children? A No sir.
- Q Then neither you nor any one of these children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court for the Indian Territory? A No sir.
- Q Has any application of any description ever been made before to-day for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians, nearly seventy-two years ago. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country they occupied in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out to the new Nation might receive land land back there. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be

bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years from the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand this fourteenth article? A I believe I do.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article or receive any benefit? A I think they complied but didn't receive anything.
- Q What one of your ancestors do you think complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek; what one of them? A I don't know.
- Q Do you know the name of any one of them who complied with the provisions of this fourteenth article? A Che-ka-chyo.
- Q He's the only one that you ever heard complied with this treaty provision? A Yes sir.
- Q Now tell us everything you have ever heard about his complying with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek; go ahead and tell everything you ever heard about it? A Why, they had some land there some way I think.
- Q Is that all you ever heard about it? A It was taken from them; they didn't get any benefits out of it.
- Q Is that all? A Yes, that's about all I know about it, I just heard them speak of that.
- Q Who was this had that land, Che-ka-chyo? A Yes sir.
- Q Where was that land? A It was in the lower part of the state of Mississippi.
- Q What county? A I couldn't tell you.
- Q Do you know whether this man Che-ka-chyo or any other of your Choctaw ancestors ever claimed or received any land there in Mississippi from the government of the United States under this fourteenth article of the treaty of Dancing Rabbit Creek?
- A No sir.
- Q Never heard that? A No sir.
- Q Did you ever hear whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there in Mississippi and become citizens of the states and take land? A No sir, I don't know anything about that.
- Q You never heard of any of them ever having received any benefits whatever as Choctaws did you? A No sir.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the

greater portion of the Choctaw tribe between the years 1833 and 1837. A No sir.

Q Do you know whether any one of your Choctaw ancestors owned an improvement there in the old Nation in Mississippi and Alabama in 1830 when this treaty was made? A I reckon they owned some land.

Q Do you know whether they did or not? A No sir, I don't know only from what I have heard; they said they owned some land.

Q You don't know how they got that land do you? A No sir.

Q Nor how much there was of it? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government, he should be entitled to select in the place of the lands so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A Not that I know of.

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- Q Do you know of any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
- A Yes sir, Mrs. Cooper and Mr. Aldridge and Mr. Kitchen.
- Q Do you know their given names? A I know Mr. Aldridge's; John is his.
- Q You don't know the given names of the other two? A No sir.
- Q Where does these people live? A They live there - - -two of them don't live very far from us; Mr. Aldridge lives in Tippah and Mrs. Cooper in Prentiss, and I don't know what county Mr. Kitchen lives in.
- Q Do you know of any written evidence which would prove or tend to prove such a state of facts? That any of your people ever complied with this treaty provision or ever received any benefits thereunder; do you know of any deeds or patents or papers of any kind? A No sir.
- Q Have you any written evidence to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here to-day; did you bring any witnesses along to testify in your case? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from to-day and their testimony will be taken; or if you should wish to offer any written evidence in support of this application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir.

By the Commission to Attorney:

- Q Mr. Harrison do you want to ask any questions? A No sir.

By the Commission to applicant:

- Q You don't speak or understand the Choctaw language do you?
- A No sir.

This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood; has rather dark hair, dark complexion, dark eyes; does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, although she claims that she has heard that one of her ancestors, She-ka-ahye, either complied or attempted to comply with the provisions of that article.

Special reference is hereby made to M C R 5574, Alice Gardner et al., and M C R 6069, William Partick, the applicants in said cases and the applicants in this case being the descendants of a common Choctaw ancestor.

Albert G. McMillan, being first duly sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 27th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16th day of August, 1902.

J. R. Renter

Notary Public.

Muskogee, Indian Territory, January 5, 1903.

Eliza Michael,

Ivey, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hesekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 5817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5875
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James O. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5583
William C. Furtick, et al.	M.C.R. 5871
Tandy L. Caver	M.C.R. 5872
Thomas E. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Brewry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocum	M.C.R. 5899
John Yocum	M.C.R. 5900
William W. Furtick	M.C.R. 6068
Jefferson B. Furtick, et al.	M.C.R. 6070

Eliza Michael,—2

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Will E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6230
Moses Jumper	M.C.R. 6237
Hettie Cheves, et al.	M.C.R. 6230
George A. Everett	M.C.R. 6521

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd F. Hunt, Hosekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Mattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Cassie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James O. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin

Eliza Michael,--5

Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identifications as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

James G. Gandy

Acting Chairman.

MOR-6073

Muskogee, Indian Territory, February 28, 1907.

Elisa Michael,
Guertie, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 13, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

No. 6073

For Identification as a Mississippi Choctaw.

Date
Name *Eliza Michael*

Age 28 Blood $\frac{1}{16}$

Post-Office, *Ivey, Miss.*

Father: *Wm Jumper* L

Mother: *Fallie* " d

Claims through father.
Husband, *Joseph Michael* L

No claim for husband.

Keeps 5 Children

Children:

Andrew Carpenter 10

James " 8

Ollie " F 6

Dollie L " 3

Father *Wm Carpenter* (no Cho.) d

Lula Michael 2 mo.

Stenographer

Wm J. Miller

Choctaw MCR 6074

William A. Jumper

See MCR 5574

MCR 6074

Department of the Interior,
Commission to the Five Civilized Tribes.
Washoe, D. C., July 17th, 1908.

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In the matter of the application of William A. Jumper for
the identification of himself as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

William A. Jumper, being first duly sworn, testified as
follows:

Examination by the Commission:

- Q What is your name? A William A. Jumper.
Q How old are you Mr. Jumper? A I am fifty-one.
Q How much Choctaw blood have you? A Well, I really don't know.
Q What is your post office address? A Ivey,
Q Ivey, Mississippi? A Yes sir.
Q In what county is Ivey? A Prentiss.
Q How long have you lived in Mississippi? A I was born and raised there.
Q Is your father living? A No sir.
Q What was his name? A James A. Jumper.
Q Is your mother living? A No sir.
Q What was her name? A Her maiden name was James; Eliza James.
Q Through which one of your parents did you get your Choctaw blood? A Father.
Q In what year was your father born? A I don't know, I haven't got the family record.
Q About how much older than you was your father? A Well, I couldn't tell that; my father is somewhere between seventy-five and eighty, if he was living.
Q You were not his eldest child were you? A No sir, I have a brother with three or four or five children older than me.
Q Were your father and mother lawfully married? A Well, I suppose so.
Q You have no evidence of that fact with you at this time have you? A Yes sir, I suppose so. I understand that in the matter of the application of Nancy Tatum my sister, evidence on this point has already been introduced.
Q Through which one of his parents did James A. Jumper get his Choctaw blood? A Through his mother.
Q What was her name? A Eliabeth.
Q Elisabeth what? A Partick.

- Q Maiden name? A Yes sir.
- Q Through which one of her parents did Elizabeth get her Choctaw blood? A From her mother.
- Q What was her name? A Mary Mottelins.
- Q How much Choctaw blood did Mary have? A Well, she was a full blooded Choctaw I suppose.
- Q That is your understanding is it? A That's my understanding.
- Q Well you got this Choctaw blood simply on one side of your family don't you? A Yes sir.
- Q Well you are about one-eighth aint you? A I guess so.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
- A No sir.
- Q Are you married? A Yes sir.
- Q Have you been married more than once? A Yes sir.
- Q How many times? A Twice.
- Q Have you children by each of your wives? A No sir, by my first wife one child; I have but one child and that's by my first wife.
- Q What is your present wife's name? A I haven't got any.
- Q Your second wife is dead too? A Yes sir.
- Q What was your first wife's name? A Her name was Nellie.
- Q What is the name of your child? A Eliza Michael.
- Q She's of age? A Yes sir.
- Q Is she the Eliza Michael who has just appeared before the Commission? A Yes sir.
- Q This application then is for yourself only is it? A That's all.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Is my name?
- Q On any of the Choctaw tribal rolls in Indian Territory? A I don't know that it is.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory have you? A No sir.
- Q Is this the first application of my description that has ever been made in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama.

The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that fourteenth article? A Why, I reckon I do.
- Q Well now do you think there is any part of it you don't understand? A I have heard you go over it and I reckon I understand it about as well as if I was to hear it again.
- Q You heard it explained here to-day several times to others have you not? A Yes sir; I don't think it is necessary to repeat it any more.
- Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? or ever received any benefits thereunder? A Well, they never received any benefit of it that I ever knew of, but then they attempted to comply with the treaty.
- Q Now who of your ancestors attempted to comply with this treaty provision? A My great-granddaddy was one I reckon; that I have been taught all along.
- Q Who was that? A Mary Motteline's father Cho-ka-chye.
- Q Now how did he attempt to comply with this treaty provision? A Well of course I know nothing of my own personal knowledge, but then I have heard that he did take up some land or a claim there and it was school land or something of the kind.
- Q Is that all you ever heard of it? A Well, that's all that I ever heard that I think of him complying with the treaty; that

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- he was supposed to abandon the land by it being school land.
- Q When was it that he was forced to abandon this land?
- A Well I suppose soon after the treaty.
- Q How soon after it? A I don't know; I couldn't tell you the exact time, for I don't know as I ever heard the exact time that he did have to leave.
- Q Do you know how much there was of this land? A Why there was a section I think.
- Q Do you know where that land is situated? A It was situated in the southern portion of Mississippi down in there near the Alabama line, somewhere back in there.
- Q What county? A I don't know the county.
- Q Do you know the numbers of it? A I think it was section 16 - 26 - 5.
- Q When did you first hear the numbers of that land? A I don't remember when I first heard of it.
- Q Within the last year? A No sir, it was before that; I have heard of the numbers of the land for some several years but I don't remember.
- Q Do you know whether any of your Choctaw ancestors owned an improvement in the old Nation in Mississippi and Alabama in 1830 when this treaty was made? A Owned any improvement?
- Q Yes? A No sir.
- Q Do you know who of your Choctaw ancestors besides Che-ka-ehye were living in the old Nation in Mississippi and Alabama in 1830 when this treaty was made? A Why, I reckon they were all down there.
- Q Well your father's mother had children at that time didn't she?
- A Yes sir.
- Q What was your father's father's name did you say? A Sam Jumper
- Q Do you know whether any of your Choctaw ancestors who might have been living in the old Nation in Mississippi and Alabama in 1830 when this treaty was made, let the Agent of the government in Mississippi for the Choctaws know within six months from the time this treaty was ratified, that they wanted to stay there and become citizens of the states and take land? A Well, I don't know how they managed about that; I just supposed that they did, but then I don't know that they did, by them having this land off there; they went on it and thought they would keep it but I have been told that it was school land and they was supposed to abandon it.
- Q They never got any other lands from the government did they?
- A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would

receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?
 A No sir, I don't reckon they did.
 Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir.
 Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made?
 A Why I suppose they were down there, some of them.
 Q I said do you know whether they were recognized members of the Choctaw tribe at that time or not? A I don't know; they was living down there at the time the treaty was made; that's my understanding.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or received benefits thereunder? A I think so.
 Q What is the names of those people? A Well, Mrs. Geeser she is one old lady that lives there in the country where I live, and she knowed about my people all living back there.
 Q What is her given name? A Margaret.
 Q Give us the name of some other old person? A Marion Kitchen.
 Q Another one? A John Aldridge.
 Q Are they any relation to you? A No sir.
 Q Are they interested in any way in the result of your application? A None at all.

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- Q Do you think they would know whether your ancestors complied with this treaty provision or not? A Why, yes sir, I guess they would, for they have knowed of ancestors away back there.
- Q Ever talk to them about this particular matter? A No sir, I have never talked to them about it.
- Q Have you any witnesses here to-day? A No sir.
- Q Do you know of any written evidence which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
- A Why, I don't know of any evidence here. My understanding was that some of them was going to get some evidence from the old people.
- Q From the people you have named? A No sir.
- Q Outside of their affidavits do you know of any other evidence?
- A No sir.
- Q You have no written evidence to offer at this time have you?
- A No sir.

In case you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from to-day and their testimony will be taken. If you should find any written evidence which you want to offer in support of this application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you want to make Mr. Jumper?
- A No sir.

By the attorney:

- Q Did you ever hear this lady Mrs. Cooper say anything about this family history of yours in the presence of any other person; did you ever hear anybody else talk with her about it? A No sir, never did in my life.
- Q How old a lady is she? A Why she's got up towards one hundred; that's my understanding; I was talking to her son about her age last year some time--twelve months ago or more.
- Q What you know about Che-ka-ehye your Indian Cheetaw ancestor having lived in Mississippi and having attempted to comply with article fourteen of the treaty of 1830, has been derived from conversations you have had from time to time with various members of your family and from your family history and tradition?
- A Yes sir.
- Q You spoke a moment ago about this land which you heard Che-ka-ehye had received, being school lands; what sections in your state was school lands at this time? A I can't tell you.

By the Commission:

Special reference is hereby made to M S R 5574, Alice Gardner et al., and M S R 5069, William W. Furtick, the applicants in these cases and the applicants in this case being the descendants of a common Cheetaw ancestor.

#7.

Q You don't speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; has dark hair, rather dark complexion, gray eyes; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, although he claims to have heard that one of his ancestors, Che-ka-cho, by name, attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. Special reference is made to M & R 6069 for statement on this point.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16th day of August, 1902.

J. J. Renter
Notary Public.

COPY

Muskogee, Indian Territory, January 8, 1908.

William A. Jumper,

Ivory, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hosekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocom, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5595
William G. Furtick, et al.	M.C.R. 5571
Tandy L. Caver	M.C.R. 5572
Thomas E. Smith, et al.	M.C.R. 5582
John E. Everett, et al.	M.C.R. 5583
Ella Lewis, et al.	M.C.R. 5584
Willie Brewery	M.C.R. 5585
Charles J. Smith	M.C.R. 5586
Mary Jones, et al.	M.C.R. 5588
Will Yocom	M.C.R. 5589
John Yocom	M.C.R. 5900
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

William A. Jumper,—2

Frank M. Purtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Elisa Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5887
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Hettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jossie Hunt, William F. Hunt, Boyd E. Hunt, Hosekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ole Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin

William A. Jumper,—3

Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pot Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Oussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma E. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Dixon

Acting Chairman.

Registered.

MCR-6074
MCR-6078

Muskogee, Indian Territory, October 1, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 26th instant requesting to be advised if applications for the enrollment of William A. and George A. Jumper are now pending, and if notations of their claims to improvements should be made. You state that these persons claim to be applicants for identification as Mississippi Choctaws in the consolidated case of Alice Gardner et al.

In reply to your letter you are advised that some few days since you were furnished a list of all applicants in the consolidated Mississippi Choctaw case of Alice Gardner et al, and instructed to permit such persons to designate their prospective allotments under instructions previously furnished your office relative to cases of this character.

Respectfully,

Commissioner.

MOR-6074

Muskogee, Indian Territory, October 29, 1906.

William E. Jumper,
Perum, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, requesting to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed it appears from the records of this office that you are one of the applicants in the consolidated Mississippi Choctaw case of Alice Gardner et al., the record in which case, together with the adverse decision of the Commission to the Five Civilized Tribes, was transmitted to the Secretary of the Interior, through the office of the Commissioner of Indian Affairs, February 18, 1903. Up to the present time this office has not been advised of any Departmental action thereon.

When a decision is rendered in this case by the Department due notice thereof will be furnished all the applicants.

Respectfully,

Commissioner.

MOR-6074

Muskogee, Indian Territory, February 26, 1907.

William A. Jumper,
Guertie, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner..

" No. 6074 "

For Identification as a Mississippi Choctaw.

Date

Name

William A Jumper

Age

5 1

Blood

1/8

Post-Office,

Ivy, Miss

Father:

James A. Jumper d

Mother:

Elyā " d

Claims through

~~10/20~~ father.

Children:

Son

11/1

Proprietor

A. G. M. M. M. M.

Choctaw MCR 6075

George A. Jumper

See MCR 5574

MCR 6075

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 17th, 1902.

#4075

In the matter of the application of George A. Jumper for the identification of himself as Mississippi Choctaw, and for the identification of his five minor children, Pink, Ed, Minnie, Arthur and Sam Jumper, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicant.

George A. Jumper, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A George A. Jumper.
Q How old are you? A Forty-five.
Q How much Choctaw blood have you? A About one-eighth.
Q What is your post office address? A Ivey, Mississippi.
Q How long have you lived in Mississippi? A All my life.
Q Is your father living? A No sir.
Q What was his name? A James Jumper.
Q Is your mother living? A No sir.
Q What was her name? A Eliza James.
Q Through which one of your parents do you get your Choctaw blood?
A My father.
Q How old would your father be if living now? A Right about eighty years old.
Q Where was he born? A Close to the line of Alabama in the state of Mississippi; I have been taught that.
Q Did he live in Mississippi all his life? A Yes sir.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was his mother's name? A Elizabeth Partick.
Q Through which one of her parents did Elizabeth get her Choctaw blood? A Through her mother.
Q What was her mother's name? A Mary Nettaline.
Q Through which one of her parents did Mary get her Choctaw blood?
A Mary Nettaline got hers?
Q Yes? A From her father I reckon, She-ka-shye.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A Not that I have any knowledge of.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.

Q What is her name? A Mary.
 Q Has she any Choctaw blood? A No sir.
 Q You make no claim for her? A No sir.
 Q Have you been married more than once? A No sir.
 Q Has she been married more than once? A No sir.
 Q Have you any children living? A Yes sir, I have six.
 Q What are their names, the oldest first? A John W.
 Q How old? A Twenty-four years old.
 Q No being of age, will have to apply for himself. He has never been before the Commission has he? A No sir.
 Q Has he a middle initial? A His name is John Wesley Jumper.
 Q There is another John Wesley Jumper who is a son of my brother, who has appeared before the Commission.
 Q How many children have you living who are under age and not married? A I have five.
 Q What are their names and ages, the oldest first? A Pink.
 Q Boy? A Yes sir.
 Q How old is he? A He's twenty years old.
 Q Next one? A Ed.
 Q How old? A Eighteen.
 Q Next one? A Minnie, girl.
 Q How old is she? A Fourteen.
 Q Next one? A Arthur.
 Q How old is he? A Ten years old.
 Q Next one? A Sam.
 Q How old is he? A Seven.
 Q These children all live with you at this time? A Yes sir.
 Q Are they all the children of yourself and Mary Jumper?
 A Yes sir.
 Q Were you married to her under a license? A Yes sir.
 Q When? A In 1877.
 Q Where? A Prentiss county, Mississippi.
 Q Lived with her ever since that time? A Yes sir.
 Q Who married you? A S. M. Winden, preacher.
 Q Have you your license with you at this time? A No sir, I had a certificate here, but the county clerk failed to put his seal on it.

You will be allowed a period of fifteen days from this date in which to furnish proper evidence of the marriage of yourself and wife Mary Jumper.

Q This application is for yourself and five minor children is it?
 A Yes sir.
 Q Is your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory?
 A No sir.
 Q Did you ever make application to the Choctaw tribal authorities in Indian territory, for yourself or any one of these children, to be admitted or enrolled as members of that tribe? A No sir.
 Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children, under the act of Congress approved June 10, 1896? A No sir.

#3.

- Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Did you ever make any application of any description before today for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and five minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that in case a Choctaw desired to remain in Mississippi in the old Nation and not move out to the new Nation he could, upon certain conditions, receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they decide upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that fourteenth article? A Well sir, I think I do tolerably well.
- Q What is there about it you don't understand? A Well, I don't know that there is anything particularly.

- Q Think you understand it do you? A I think I do.
- Q Did any of your Choctaw ancestors live back there in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Yes sir.
- Q Who? A Why, I suppose all that was alive at that time lived there, my grandfather and grandmother.
- Q Sam Jumper and his wife Elizabeth? A Yes sir.
- Q Who else? A Che-ka-chye, my great-great-grandfather, and this Mary Hotteline she would be our grandmother--and my grandfather--what I have been taught they all lived down there.
- Q They would be your great-grandparents? A Yes sir.
- Q Do you know where they lived in 1830, any of them?
- A No sir, only just what I have been taught; they lived down in the lower part of the state of Mississippi down near Columbus, where Columbus is now.
- Q Do you know whether any of them owned an improvement there at that time? A Yes, I have been taught that Che-ka-chye complied and took up land there by going and making his intention known to this Agent and afterwards was beaten out of it, I don't know how; done by some act of the government some way; I don't know how he was beaten out of it.
- Q Is that all you ever heard about the matter? A I just heard he had taken up land there and had a home there and lost it.
- Q That's all you have ever heard of his ever complying or attempting to comply with the provisions of this fourteenth article?
- A Yes sir.
- Q You never heard that any other of your ancestors ever complied or attempted to comply with the provisions of this article?
- A No sir, never did.
- Q Do you know whether any of your ancestors within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land? A Well, I have been taught that Che-ka-chye my great-great-grandfather did.
- Q Who told you that? A My parents, and all along down my life that we was Indians, and that's why we was Indians--by this man.
- Q I want to know whether any of your Choctaw ancestors within six months from February 24, 1831, let the Agent of the government in Mississippi for the Choctaws, Colonel Wm. Ward, know that they wanted to stay there in Mississippi and become citizens of the states and take land under the fourteenth article; did they, or did they not? A I have just been taught by my parent that Che-ka-chye did.
- Q That's all you know with reference to any compliance on the part of your ancestors? A Yes sir.
- Q Now he never did get any land from the government under this article did he? A Not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take

land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A None that I ever heard of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress?
A None that I ever heard of.
Q So far as you know then none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A None that I ever heard of.
Q Do you know whether any of them were in fact in 1830 recognized members of the Choctaw tribe? A No sir, I do not.
Q Did you ever hear of any of your Choctaw ancestors moving to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir, don't remember.
Q Do you know of any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know unless it is Mr. Aldridge.
Q Now Mr. Aldridge is the man referred to by your brother William A. Jumper when he appeared before us here? A Yes sir.

44.

Q You don't know of any persons except those named by him?

A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article or ever received any benefits thereunder?

A No sir.

Q Have you any written evidence of any description to offer at this time in support of your application? A Nothing more than this we was just speaking about.

Q Have you any written evidence to offer at this time; right now?

A No sir.

Q Any witnesses here to-day to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to offer before the Commission they may appear before us here at Muskogee within a period of fifteen days from to-day and their testimony will be taken. If you should find any written evidence of any description which you desire to present in support of your application, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

Q Are there any further statements you want to make? A No sir.

By the Commission to Mr. Harrison:

Q Do you want to ask him any questions Mr. Harrison?

By Mr. Harrison to applicant:

Q The information you have about your family history and tradition of your family has been derived from conversations you have had from time to time with various members of your family; is it not?

A Yes sir.

By the Commission:

You don't speak or understand the Choctaw language? A No sir.

Special reference is hereby made to M C R 6069, William Purtick; the applicants in said case and the applicants in this case being the descendants of a common Choctaw ancestor.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has light hair, light mustache, gray eyes; doesn't speak or understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, although he claims to have heard that one of his Choctaw ancestors, Che-ka-chye, by name, attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert S. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert S. McMillan

Subscribed and sworn to before me this 16 day of August, 1902.

J. R. Renter
Notary Public.

Muskogee, Indian Territory, July 24, 1902.

Thomas A. Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the
22nd inst., enclosing certified copy of the marriage record between
G. A. Jumper and M. A. Oguin which you offer for filing in support
of the application made by George A. Jumper for the identification
of himself and his children as Mississippi Choctaws. The same
have been filed with the record in this case.

Yours truly,

Commissioner in charge.

COPY.

Muskogee, Indian Territory, January 5, 1903.

George A. Jumper,

Ivey, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.O.R. 5574
Samuel H. Hunt, et al.	M.O.R. 4702
William F. Hunt, et al.	M.O.R. 4815
Hosekiah B. Hunt, et al.	M.O.R. 4816
Virginia Jumper, et al.	M.O.R. 4817
John W. Jumper, et al.	M.O.R. 4818
Jennie I. Miller	M.O.R. 5575
Cassie Bates, et al.	M.O.R. 5576
Minnie Smith	M.O.R. 5577
John M. Smith	M.O.R. 5578
James G. Smith	M.O.R. 5579
Nancy Yocum, et al.	M.O.R. 5580
Philip Jumper, et al.	M.O.R. 5593
William C. Furtick, et al.	M.O.R. 5571
Tandy L. Caver	M.O.R. 5573
Thomas B. Smith, et al.	M.O.R. 5582
John E. Everett, et al.	M.O.R. 5583
Ella Lewis, et al.	M.O.R. 5584
Willie Browdy	M.O.R. 5585
Charles J. Smith	M.O.R. 5586
Mary Jones, et al.	M.O.R. 5598
Will Yocum	M.O.R. 5599
John Yocum	M.O.R. 5900
William W. Furtick	M.O.R. 6069
Jefferson D. Furtick, et al.	M.O.R. 6070

George A. Jumper,—2

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 6087
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Hattie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Royd E. Hunt, Heskiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dag Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ole Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William G. Furtick, Clara Furtick, Sallie Furtick,

George A. Jumper,--3

Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drowry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Elisa Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Sam Dixon

Acting Chairman.

Registered.

MUR-3074
MUR-6075

Muskogee, Indian Territory, October 1, 1904.

Chief Clerk,

Chickasaw Land Office,

Armore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 26th instant requesting to be advised if applications for the enrollment of William A. and George A. Jumper are now pending, and if notations of their claims to improvements should be made. You state that these persons claim to be applicants for identification as Mississippi Chontaws in the consolidated case of Alice Gardner et al.

In reply to your letter you are advised that some few days since you were furnished a list of all applicants in the consolidated Mississippi Chontaw case of Alice Gardner et al, and instructed to permit such persons to designate their prospective allotments under instructions previously furnished your office relative to cases of this character.

Respectfully,

Commissioner.

MCR-6078.

Muskogee, Indian Territory, January 12, 1907.

George A. Jumper,

Guertie, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 7th instant requesting to be advised the present status of your application for identification as a Mississippi Choctaw.

The records of this office show that you are one of the claimants in the consolidated Mississippi Choctaw case of Alice Gardner et al., which is now pending before the Secretary of the Interior. When final disposition is made thereof the several applicants will be notified of the action taken by the Department.

Respectfully,

Commissioner.

MOR.-6075

Muskegee, Indian Territory, January 14, 1907.

G. L. Miller,

Guertie, Indian Territory.

Dear Sir:--

Replying to your letter of the 8th. inst., you are advised it appears from the records of this office that the persons by the name of Jumper referred to in your letter are applicants in the consolidated Mississippi Choctaw case of Alice Gardner, et al., which is now pending before the Secretary of the Interior.

You are further advised that the Chief Clerk of the Chickasaw Land Office, at Ardmore, Indian Territory, has heretofore been instructed to permit the applicants in said consolidated case to designate prospective allotments.

Respectfully,

Commissioner.

MOB-6075

Muskogee, Indian Territory, February 28, 1907.

George A. Jumper,
Quertie, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

16754-1909

Muskogee, Oklahoma, June 5, 1909.

Miss Minnie Jumper,
Raydon, Oklahoma,
Madam:

Your letter of May 28, 1909, addressed to the United States Indian Agent, has been referred to this office for appropriate action. Therein you state that you were an applicant for identification as a Mississippi Choctaw in the consolidated Mississippi Choctaw case of Alice Gardner, et al. and that you were notified in the year 1907 that the Secretary of the Interior had failed to identify you as a Mississippi Choctaw. You ask to be advised if your case comes under the opinion of the Supreme Court rendered in the year 1908 wherein 2000 or more are to be placed back on the roll by order of the Court.

In reply you are advised that it appears from the records of this office that on January 5, 1903 the Commissioner to the Five Civilized Tribes rendered its decision refusing your application for identification as a Mississippi Choctaw and this action was approved by the Secretary of the Interior on February 15, 1907.

It is presumed that you refer to the opinion of the Supreme Court in the Galsby and Allison cases, rendered November 30,

H J 2

1908, and you are advised that it is the belief of this office that the opinion of the Supreme Court only referred to those persons who had been at one time enrolled as citizens of the Five Civilized Tribes and such enrollment approved by the Secretary of the Interior, and whose enrollment was subsequently cancelled by the Secretary of the Interior.

Inasmuch as your application for identification as a Mississippi Choctaw was never granted it would not appear that your case fell within the principles of the decision in the Goldsby and Allison cases.

Respectfully,

Acting Commissioner.

AB

For Identification as a Mississippi Choctaw.

Date *Oct 1.*
 Name *George A Jumper*

Age *45* Blood *1/8*

Post-Office, *Ivy, Miss.*

Father: *James Jumper* d

Mother: *Elyä Jane* " d

Claims through *father.*

Wife *Mary Jumper* L

No claim for wife

Has 5 children

Children:

John		
<i>Pink</i>	<i>Jumper</i>	<i>M. 20</i>
<i>Ed</i>	"	<i>18</i>
<i>Minnie</i>	"	<i>14</i>
<i>Arthur</i>	"	<i>10</i>
<i>Sam</i>	"	<i>7</i>

Enographer

A. G. McMullan

Choctaw MCR 6076

James A. Yates

See MCR 5574

MCR 6076

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., July 17th, 1902.

44976.

In the matter of the application of James A. Yates for the identification of himself and his minor brother Louis and minor sister Nettie Frances Yates, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicant.

James A. Yates, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A James A. Yates.
Q How old are you? A Thirty-five.
Q How much Choctaw blood have you? A I don't know.
Q What is your post office address? A Beeville, Mississippi.
Q Yes sir.
Q How long have you lived in Mississippi? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Martin M. Yates.
Q Is your mother living? A No sir.
Q What was her name? A Mary P. Jumper.
Q Through which one of your parents do you get your Choctaw blood? Mother.
Q How old would your mother be if she were living to-day? She would be about fifty; I couldn't tell you exactly.
Q Through which one of her parents did she get her Choctaw blood? Father.
Q What was his name? A James A. Jumper.
Q What was his mother's mother's name? A Eliza Jones was her maiden name.
Q Through which one of his parents did James A. Jumper get his Choctaw blood? A Through his father.
Q Through his father? A Yes, his father.
Q What was his mother's name? A My great-grandmother Elizabeth Partick.
Q Through which one of her parents did she get her Choctaw blood? Elizabeth Partick.
Q Her father or her mother? A Through the in-laws--father, is the way I have been taught; that's all I know.
Q Well, what was Elizabeth's mother's name? A No answer.
Q How your people, as far as you know, always lived in the state of Mississippi? A As far as I know.

- Q You are married are you? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Anna Tucker, was her maiden name.
- Q Has she any Ghostaw blood? A None that I know of.
- Q You make no claim for her? A No sir.
- Q Have you any children living? A Of my own? No sir.
- Q Is this application for yourself only? A Myself and two little children I told you about a while ago--my sister and brother, their father and mother is dead; one eight and one ten; I am raising them.
- Q What are the names and ages of these children? A Oldest is Lennie.
- Q Boy or girl? A Boy.
- Q How old is he? A Ten years old.
- Q Next one? A Hattie Frances.
- Q How old is she? A She's eight.
- Q They are full brother and sister of yours? A Yes sir.
- Q How long have they lived with you? A Since '95.
- Q You have supported and maintained them the same as if they were your own children? A Yes sir.
- Q How long has their father been dead? A Since '95.
- Q You have never been legally appointed guardian for them have you, by the court? A Nothing more than supervisor by the court; I am under bond to raise them and take care of them; their mother died the 20th of June, '95; father died 30th of August following, same year. After the death of my mother my father was in very bad health; had been for two years; been expecting his death all along and I was the eldest child and during this time--the 20th of June and 30th of August, my father was conscious that he couldn't live. He gave me these two children and requested me to see after them.
- Q Your full brother and sister? A Yes sir.
- Q This application then is for yourself and one brother and one sister? A Yes sir.
- Q Your mother was never recognized in any manner or enrolled as a member of the Ghostaw tribe of Indians in Indian Territory was she? A No sir.
- Q Is your name or the name of either one of these two children to be found on any of the Ghostaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Ghostaw tribal authorities in Indian Territory for yourself or either of these children, to be admitted or enrolled as members of the Ghostaw tribe? A Did not.
- Q Did you or any one for you in the year 1895 make application to this Commission for citizenship in the Ghostaw Nation for yourself or either one of these children? A Did not.
- Q Then neither you nor these children have ever been admitted to citizenship in the Ghostaw Nation by the Ghostaw tribal authorities, the Commission to the Five Civilized tribes or the United States Court for the Indian Territory have they? A Have not.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Ghostaw lands in Indian Territory, for yourself and two minor children (brother and sister) under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and not move out west to the new Nation might receive land back there in Mississippi or Alabama from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article, do you?
 A I think so.
 Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when that treaty of Dancing Rabbit Creek was made?
 A I have heard that they had land down there and they had been taught that, but they lost it in some way or rather was beaten out of it by some people that got ahead of the school land; I don't know anything about it only what I have been told.
 Q Do you know whether any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws knew that they wanted to stay there in Mississippi, become citizens of the states and take land? A I don't know.
 Q Do you know whether any of them removed to the present Choctaw Nation in Indian territory, at the time of the removal of the greater portion of the Choctaw tribe between the years 1831 and 1832? A No sir.
 Q Do you know whether any of your people ever received any land from the government under the fourteenth article of the treaty of Dancing Rabbit Creek? A I have been told that they did.
 Q Under the fourteenth article? A Ever received any?
 Q I say have you been told that any of your ancestors did receive land? A I say that they didn't; I have been told that they didn't.

#4.

Q Well you have heard that they claimed land under that article?
A Yes sir.

Q You are sure it was under the fourteenth article? A I think so; that's my recollection now; that's the way I have been taught.

Q Now tell us all that you ever heard of any of your ancestors ever having complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder, and give us the names of those of your ancestors who have complied or attempted to comply with this treaty provision? A I don't know of any positively; only what I have been taught; I have heard my grandfather James A. Jumper talk about it; these people getting that land and losing it.

Q What did he tell you about it? A I can't tell you, positively, the words he told me; he's been dead sometime himself.

Q Well, have you told us the substance of what he told you?
A I think--I think I have tried to.

Q Don't remember anything else he told about it? A No sir.

Q Did he tell you the name of your Choctaw ancestors who complied with this treaty provision? A Cho-ka-chyo is what I have been informed is the name.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let the Agent know that they wanted to stay there and become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the provisions of the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of the Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth

#5.

article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I don't know.
- Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir, not as I know of.
- Q You don't know whether any of them were recognized members of the Choctaw tribe in 1830 or not do you? A No not.
- Q Do you know of any one who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Well, there's only those there that I have heard; there's Mrs. Cooper that's in that section of the country there.
- Q She is the Mrs. Cooper referred to by William A. Jumper in his testimony to-day is she? A Yes sir.
- Q Do you know of any persons except those referred to by William A. Jumper who would be likely to be informed on this point? A I don't. The old persons that was there are mostly dead now.
- Q Do you know of any written evidence which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
- Q Any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear here before us at Muskogee within fifteen days from to-day and their testimony will be taken. If you should find any written evidence which you desire to offer in support of your application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No, none at all.

By the Commission to the attorney; Mr. Harrison:

- Q Do you want to ask him any questions Mr. Harrison? A No sir.

By the attorney, Mr. Harrison:

- Q What information you have relative to the attempt of your ancestor Che-ka-chye to comply with the provisions of article fourteen of the treaty of 1830, is derived from conversations you have had from time to time with various members of your family

- and from your general family history and tradition is it not?
- A Yes sir.
- Q Have you any brothers or sisters living besides the two whose names you have given in? A Yes sir.
- Q How many? A I have four brothers.
- Q Three besides Lennie? A There's four of us; there's two besides Lennie.
- Q What are the names of your other two brothers? A Henry and B. E.
- Q What is that B. E. for? A Bill Mager.
- Q Has he made any application here? A No sir.
- Q Have you any sisters living besides - - - ? A Yes sir.
- Q How many? A Four.
- Q Are they married? A Yes sir.
- Q Give their married names? A Nellie Woolly.
- Q Next one? A Lydia.
- Q Lydia what? A Lydia Hatten.
- Q Next one? A Lizzie.
- Q Lizzie what? A Lizzie Jumper.
- Q Next one? A Rosa Cartwright.
- Q That's all is it? A That's all.
- Q Have they been before the Commission? A None of them. Brother Bill was here to-day.
- Q Your mother had how many brothers? A She had five.
- Q Name them? A Sam was the eldest; Dave, George, and Bill and Tip.
- Q Any one of them been here to-day? A Yes sir, been here all of them except Tip, and he gave in his application some time ago. Excuse me, Dave is dead; he had his application in here and hadn't signed it, but was preparing to appear here.
- Q Did he leave any children? A Yes sir.
- Q Are they living at this time? A Yes sir.
- Q What are their names? A Dollie; both girls.
- Q What is the other one? A Glennie.
- Q Are they married? A Yes sir.
- Q What are their married names? A Dollie Clay and Glennie Hicks.
- Q You don't speak or understand the Choctaw language? A No sir.

Special reference is hereby made to M C R 5574, Alice Gardner et al., and M C R 5069 William W. Purick; the applicants in said cases and the applicants in this case being the descendants of a common Choctaw ancestor.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; he doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, although he claims to have heard that one She-ka-chye, one of his ancestors, attempted to comply with the provisions of the fourteenth article of the treaty.

...and the ... had at the
day of July, 1902, and that the above and foregoing are a true and
correct transcript of his statements made to me on said date.

Albert H. Mallan

Subscribed and sworn to before me this 16 day of August, 1902.

E. S. Rutter

Notary Public.

COPY

Muskogee, Indian Territory, January 5, 1903.

James A. Yates,

Booneville, Mississippi

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hazekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5595
William G. Partick, et al.	M.C.R. 5871
Tandy L. Caver	M.C.R. 5872
Thomas B. Smith, et al.	M.C.R. 5882
John E. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drevry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5898
Will Yocum	M.C.R. 5899
John Yocum	M.C.R. 5900
William W. Partick	M.C.R. 6069
Jefferson D. Partick, et al.	M.C.R. 6070

James A. Yates,--2

Frank M. Furtick, et al.	M.C.R. 6071
Ellie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 5587
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6257
Hattie Chaves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 459), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel R. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd R. Hunt, Hosekiah E. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick, Ellie Furtick,

James A. Yates,--3

Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Hena Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin O. Lewis, Allie F. Lewis, Irvin A. Lewis, Willie Drowry, Charles J. Smith, Mary Jones, Gusale Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson B. Furtick, Joffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixie

Acting Chairman.

Registered.

MCB-6076

Muskogee, Indian Territory, February 28, 1907.

James A. Yates,
Beonville, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 18, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 8, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name

James A. Yates

Age

35

Blood

Full Blood
Germ.

Post-Office,

Boonville, Miss.

Father,

Wardin A. Yates

Mother,

Mary F.

Claims through mother's

wife

Anna Tucker Yates L

No claim for wife.

~~Children~~ Brother Sister

Lonnie

Yates. M. 10.

Mattie F.

" F. 8.

Alfred minor orphan
Brother and sister

Stenographer

A. G. McMillan

Choctaw MCR 6077

Bill E. Yates

See MCR 5574

MCR 6077

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, July 18, 1902.

---O---

In the matter of the application of Bill E. Yates for identification as a Mississippi Choctaw.

---O---

Thomas & Harris, Attorneys for applicant, represented by W.M. Harrison.

Bill E. Yates being first duly sworn testified as follows:

Examination by the Commission :

- Q What is your name? A Bill E. Yates.
Q How old are you? A Twenty one.
Q How much Choctaw blood have you? A I dont know sir; as to that; one sixteenth I suppose.
Q What's your post office address? A Daughter, Indian Territory
Q How long have you lived in Indian Territory? A About six months.
Q Where did you live before that? A In Mississippi.
Q What county? A prentiss County.
Q How long did you live in the state of Mississippi? A I was born and raised ther e.
Q Is your father living? A No sir he's dead.
Q What was his name? A Hardin Yates.
Q Y-a-t-e-s is the way you spell your name? A Yes sir.
Q Is your mother living? A No sir she's dead.
Q What was her name? A Mary Jumper before e she married.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q Where was your mother born? A Born in Mississippi.
Q Lived there all her life? A Yessir.
Q Through which one of her parents did she get her Choctaw blood? A Her father.
Q What was his name? A James Jumper.
Q Did he have a middle initial? A I dont know sir.
Q What was your mother's mother's name? A My mother's mother's name was Eliza Jumper.
Q Through which one of his parents did James Jumper get his choctaw blood? A Mary Elizabeth Furtick.
Q She was his mother? A Yes sir.
Q How old would James Jumper be if living now? A I dont know sir.
Q What relation are you to James A. Yates who appeared before the Commission here yesterday? A Brother.
Q Through which one of her parents did Elizabeth Furtick get her Choctaw blood? A I dont recollect about that; I was young.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.

- Q Are you married? A No sir.
- Q Have you ever been married? A No sir.
- Q This application then is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did anyone else ever make an application for you to your knowledge.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek. A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory; at the time this treaty was made some of those Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who might prefer to remain in the old Nation in Mississippi and Alabama might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if

they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that fourteenth article do you?
A Yes sir I think I do.
Q Did any of your ancestors own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Well I cant say about that.
Q Do you know whether any of them in fact lived there at that time and were recognized members of the Choctaw tribe?
A No sir I dont.
Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi and become citizens of the states and take land? A No sir I dont believe I do.
Q Do you know whether a ny of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.
Q Do you know whether any of them ever claimed or received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek?
A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1833 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between the years 1837 and 1848 and heard a great many of those Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these commissioners and attempt to establish their right under article fourteen of the treaty of Dancing Rabbit Creek? How about that?
A I dont know sir whether they did or not.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article

fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land sold by the government land elsewhere in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress?
A No sir not that I know of.
Q So far as you know none of your Choctaw ancestors ever received any benefits whatever as Choctaws? A No sir.
Q And you don't know whether any of them were recognized members of the Choctaw tribe in 1830 or not do you?
A No sir.
Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts?
A Why I know an old fellow Aldrich my uncle was talking about yesterday and old lady Cooper too.
Q Anyone else? A No sir that's all.
Q They live down near where you did in Mississippi? A Yes sir they live right there close. I had always lived in Tippah County adjoining them.
Q You have no written evidence to offer at this time?
A No sir.
Q Any witnesses here today to testify in your behalf? A No sir.
Q Are there any further statements you want to make in support of your application? A No sir.

---Q---

Examination by Mr. Harrison:

- Q Did you ever hear of a man by the name of Chekachyo?
A I heard my father and grandfather speak about him.
Q Who did they say he was? A As to that I can't say about that just heard them speak about it.
Q Do you recollect whom they said he was - where he lived?
A No sir I don't.
Q Elizabeth Partick whom you mentioned a few moments ago - whose daughter was she? A Why I don't know.
Q If you have heard you do not now remember? A No sir.

Examination by the Commission.

- Q You don't speak or understand the Choctaw language do you?
A No sir.

Special reference is hereby made to M.C.R. 6574 Alice Gardner et al and 6069 William W. Partick the applicants in said cases and this applicant being the descendants of a common Choctaw ancestor.

---Q---

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from today and their testimony will be taken or if you should see fit to offer any written evidence in support of the application

Bill N Yates—5.

such proper written evidence as may be offered within a period of fifteen days from today will receive the consideration of the Commission.

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This applicant has the appearance of being a white man, shows no indications of being possessed of Indian blood; he has light hair rather fair complexion, gray eyes; he does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 20 day of July 1902.

G. L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 5, 1903.

Bill E. Yates,

Dougherty, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Rosekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5581
William G. Purtick, et al.	M.C.R. 5571
Tandy L. Caver	M.C.R. 5572
Thomas E. Smith, et al.	M.C.R. 5582
John E. Everett, et al.	M.C.R. 5583
Fila Lewis, et al.	M.C.R. 5584
Willie Deway	M.C.R. 5585
Charles J. Smith	M.C.R. 5586
Mary Jones, et al.	M.C.R. 5587
Will Yocum	M.C.R. 5588
John Yocum	M.C.R. 5589
William V. Purtick,	M.C.R. 5590
Jefferson D. Purtick, et al.	M.C.R. 6076

Bill E. Yates,--2

Frank M. Furtick, et al.	M.C.R. 6071
Ballie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 6087
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Bettie Cheves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Heseekiah R. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Bug Jumper, Hattie E. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Rebbie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin

Bill E. Yates,—3

Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Cavor, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orza Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Oussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander E. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Dancy

Acting Chairman.

Registered.

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REFER IN REPLY TO THE FOLLOWING:

MCR-6077

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

Bill E. Yates,
Boonville, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully



Commissioner.

No. 6077

For Identification as a Mississippi Choctaw.

Date Jan 15 1897

Name Bill E. Yates

Age 21 Blood 1/16

Post-Office, Dougherty, I.T.

Father: Hardin Yates d

Mother: Mary " d

Claims through mother.

Children:

Stenographer Clara M. Wood.

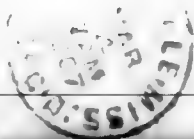
DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

RECEIVED

MAR 18 1907

[Handwritten signature]

Commissioner



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Bill E. Yates,

Boonville, Mississippi.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

FILED
FEB 10 1903



ACTING CHAIRMAN.

UNCLASIFIED

WAM
SEP



172
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Bill E. Yates,

Dougherty, Indian Territory.

RE
WRIT

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Choctaw MCR 6078

Maggie L. Hawkins

See MCR 5848

MCR 6078

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 18, 1902.

In the matter of the application of Maggie Hawkins for the identification of herself and her two minor children Riley and Birdie Hawkins as Mississippi Choctaws.

Maggie Hawkins being first duly sworn testified as follows:

Examination by the Commission;

- Q What is your name? A Hawkins.
Q Your full name? A A Maggie Hawkins.
Q Have you any middle initial? A Maggie.L.
Q How old are you? A Twenty nine.
Q How much Choctaw blood have you? A One thirty second.
Q What is your post office address? A Watsonville.
Q Indian Territory? A Yes sir.
Q Is what nation? A Creek
Q How long have you lived in the Creek nation - about how long? A About six years I guess.
Q Where did you live before that? A We lived in Arkansas a while.
Q Where did you live before you came to Arkansas? A We moved from Creek to Arkansas.
Q From the Creek Nation? A Yes sir.
Q How long did you live in the Creek Nation that time?
A About three years I guess.
Q Where did you live before that three years that you spent here in the nation? A We just moved about so much.
Q Where were you born? A I was born in Texas.
Q How long did you live down there after you were born?
A I left there when I was young - small - I don't remember.
Q Just travelled about until you came to the Creek nation first? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A Rogers.
Q His given name? A James.
Q James C. Rogers? A Yes sir.
Q Is your mother living? A Yes sir.
Q What's her name? A Eliza.
Q Through which one of your parents do you get your Choctaw blood? A My father's grandmother.
Q Your father or mother which was it? A My mother.
Q Is your mother a Choctaw or your father a Choctaw which one?
A Mother's side.
Q Your father has no Choctaw blood? A I don't know; I left them when I was young.
Q Where does your mother live - Eliza - where does she live?
A She lives now in the Choctaw Country.
Q Has she ever been before this Commission? A No sir not that I know anything about I left them when I was young.

- Q About how old is she? A About fifty seven.
- Q Through which one of her parents did she get her Choctaw blood - was it your mother's father or your mother's mother who was Choctaw? A Well I dont know.
- Q You dont know which one was an Indian? A Yes sir my father's grandmother - that's what the claim is; I dont know anything about it; left them when I was young.
- Q I understood you to say in the first part of your examination that your father's grandmother had Choctaw blood and yet when I asked which one of your parents you derived your Choctaw blood you stated that your mother had Choctaw blood; now which one is it? A My father's grandmother.
- Q Then your mother has no Choctaw blood has she? A No sir.
- Q You were mistaken when you said you got your Choctaw blood through your mother? A Yes sir my father's grandmother.
- Q Has your father been before this Commission? A Yes sir my father has.
- Q When? A I dont know.
- Q Has it been a year ago? A No sir it's been right lately.
- Q Has he a middle initial? A James C. Is his initials.
- Q Through which one of his parents did your father get his Choctaw blood? A His grandmother.
- Q His parents? A I dont know anything about it; I been away from them ever since I was about seventeen years old; I dont know.
- Q You dont know whether your father's father had any Choctaw blood or not? A No sir.
- Q Now about how old is your father James C. Rogers? A About sixty.
- Q Now you claim that he got his Choctaw blood through his grandmother? A Yes sir his grandmother.
- Q What was her name? A I dont know; Martha Sparks.
- Q Was that her maiden name or her married name? A It was her maiden name I suppose; I dont know anything about it.
- Q Who did she marry? A I cant tell; I dont know anything about them; I been a way from them so long and was never with them any.
- Q Now was your father's mother a daughter of Martha Sparks or was your father's father a son of Martha Sparks do you know? A No sir.
- Q Do you know the name of any one of your Choctaw ancestors father back than Martha Sparks? A No sir.
- Q Where was your father born? A I cant tell you I been away so long.
- Q Did your father ever have any brothers or sisters older than he? A I dont know sir whether he did or not.
- Q Your father never was recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory was he? A No sir not that I know anything of.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A Hawkins.
- Q What's his given name? A Lee Hawkins.
- Q Has he any Choctaw blood? A No sir not any.
- Q You make no claim for him? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Two.
- Q What are their names and ages the oldest first.
- A Riley.
- Q R-4-1-a-y? A Yes sir.

14
Maggie Hawkins--2.

- Q How old is Riley? A Nine years old.
Q The next one? A Birdie.
Q B-i-r-d-i-e? A Yes sir.
Q Girl? A Yes sir.
Q How old is Birdie? A Six years old.
Q Are these children living with you at this time? A Yes sir.
Q Are they both the children of yourself and Lee Hawkins?
A Yes sir.
Q This application is for yourself and two minor children is that right? A Yes sir.
Q Is your name or the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for yourself or either of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir.
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or either of these children under the act of Congress approved June 10, 1896? A No sir.
Q Then neither of you have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory have you? A No sir.
Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama; the object of the treaty was to get those Indians to move from that old Nation back in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian Territory. At the time this treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain there and not move west to the new country might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by

sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; do you understand its provisions? A Yes sir.
- Q Did any of your ancestors live back there in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Did any of them own an improvement there at that time? A Not that I know anything about.
- Q Do you know whether any of them lived there at that time? A No sir I don't.
- Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government for the Choctaws in Mississippi know that they wanted to stay there and become citizens of the states and take land? A No sir.
- Q Do you know whether any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1838 and 1839? A No sir.
- Q Do you know whether any of them ever claimed or received any land in the state of Mississippi or in the state of Alabama from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did you ever hear of any of your people ever having gotten any land from the government under this treaty? A No sir.
- Q Then neither of your Choctaw ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek to your knowledge did they? A I don't know whether they did or not.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain back in the old Nation and take land and become citizens of the states; the records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know they wanted to stay there and become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Com-

Maggi Hawkins--4.

missioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, not that I knew of.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi or Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A No sir none that I know of.
- Q So far as you know then none of your Choctaw ancestors ever received any benefits as Choctaws? A No sir.
- Q You dont know whether any of them were recognized members of the Choctaw tribe in 1830 or not? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any description whatever to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before at Muskogee Indian Territory within a period of fifteen days from today and their testimony will be taken or if you should see fit to offer any written evidence in support of your application such proper written evidence as may be offered within a period of fifteen days will receive the consideration of the Commission.

- Q Have you any minor brothers and sisters living - brothers and sisters who are under age? A No sir.
- Q Have you any brothers and sisters living at all? A Yes.
- Q How many? A Seven brothers; two sisters.
- Q They have appeared before the Commission have they? A Yes they all have except one.

Maggie Hawkins--8.

- Q name your brothers please? A Columbus, Tom, John, James, Charles, Sam, Archie who is dead, Bird. My sisters, Lou, Sarah
Q Are they married? A Yessir.
Q Lou what? A Lou Jordan and Sarah Brock that's the one who hasn't appeared.
Q Where does your father live? A Foss, Oklahoma.

Special reference is hereby made to MC.R.5848 James C. Rogers the applicant in said case being the father of the principal applicant in this case.

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This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood although she has black hair, a rather dark complexion, she has dark eyes; she does not speak or understand the Choctaw language and has no knowledge of complicity on part of her ancestors with any of the provisions of article fourteen of the Treaty of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30th day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

Muskogee, Indian Territory, February 9, 1903.

Margie L. Hawkins,

Watsonville, Indian Territory.

Dear Madam:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James C. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

James C. Rogers,	M.C.R.5848;
Mary L. Jordan, et al.,	M.C.R.5980;
James W. Jordan,	M.C.R.5981;
Columbus A. Rogers, et al.,	M.C.R.5970;
Thomas F. Rogers, et al.,	M.C.R.5973;
John H. Rogers, et al.,	M.C.R.5974;
Edgar E. Rogers, et al.,	M.C.R.5976;
Margie L. Hawkins, et al.,	M.C.R.6078;
Charles B. Rogers, et al.,	M.C.R.5977;
Samuel E. Rogers, et al.,	M.C.R.5978;
Bertie M. Rogers,	M.C.R.5979.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that and may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

M. L. H., 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James C. Rogers, Mary L. Jordan, Viola May Jordan, Mary Lee Jordan, James W. Jordan, Columbus A. Rogers, Estelle H. Rogers, Walter B. Rogers, Effie I. Rogers, Lora Rogers, Cecil C. Rogers, Thomas P. Rogers, Jesse E. Rogers, Lola May Rogers, Robert J. Rogers, Dewey Lee Rogers, John H. Rogers, Harley H. Rogers, Lula May Rogers, Beulah Lee Rogers, Edgar E. Rogers, Bertha May Rogers, Viola Lee Rogers, John L. C. Rogers, Maggie L. Hawkins, Riley Hawkins, Birdie Hawkins, Charles B. Rogers, Edgar Lee Rogers, James Otis Rogers, Samuel E. Rogers, Alice V. Rogers, David L. Rogers and Bertie M. Rogers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixby.
Acting Chairman.

Registered.

N.C.R. 6078.

COPY.

Muskogee, Indian Territory, April 8, 1903.

Maggie L. Hawkins,

Watsonville, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James C. Rogers, et al., of which decision you were advised by registered mail on the 9th day of February, 1903..

Respectfully,

(SIGNED).

Tame Dixie.

Chairman.

No. 6078

For Identification as a Mississippi Choctaw.

Date

Name

Maggie L. Hawkins

Age

29

Blood

1/32

Post-Office.

Watsonville, I.T.

Father:

James Rogers L

Mother:

Eliza " L

Claims through

~~mother~~ father.

husband.

Lee Hawkins L

No claim for husband.

Children:

Riley Hawkins

Birdie "

9
6

Self and 2 children

Stenographer

Clara McCoy

Choctaw MCR 6079

Quincy Baker

MCR 6079

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Quincy Baker, et al.,
for identification as Mississippi Choctaws, M.C.R. 6079.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Quincy Baker, et al., to the Daves Commission for identification as Mississippi Choctaws-----	1
Testimony before the Commission of William Fauntleroy-----	8
Decision of the Commission refusing the ap- plication of Quincy Baker, et al., for identification as Mississippi Choctaws-----	11

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 18, 1902.

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In the matter of the application of Quincy Baker for the identification of himself and his two minor children Sandy and Amy Baker as Mississippi Choctaws.

Applicant represented by S.V. Isaacs, Attorney.

Quincy Baker being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Quincy Baker.
- Q How old are you Quincy? A About thirty-four or five years old.
- Q How much choctaw blood have you? A One quarter I suppose; my father claimed that he was one half; my grandfather was a full blood Choctaw.
- Q Then you are a quarter are you? A Yes sir.
- Q What's your post office address? A South Side Tennessee.
- Q How long have you lived in Tennessee? A All my life.
- Q In what county do you live? A Montgomery County.
- Q South Side's in that county is it? A Yes sir.
- Q Is your father living? A No sir.
- Q What was his name? A George Baker.
- Q Is your mother living? A Yes sir.
- Q What's her name? A Harriet Baker.
- Q Through which one of your parents do you get your Choctaw blood? A From my father's side.
- Q Was your father a slave? A Not as I knows of; I never heard him say anything about his being a slave; he never come to this country until along during this war and during the war he come up in Tennessee; that's all I know. He always did say that he was descended from Choctaws and he always say he was going back to that country but never did go back there.
- Q Where did he live before he went up to Tennessee during the war? A I dont know where he lived.
- Q You dont know? A No sir I dont know.
- Q Do you know where he was born - your father? A Born in Mississippi.
- Q What county? A I dont know what county; I was small.
- Q Do you know in what part of the state he was born? A No sir.
- Q Do you know how long he lived there? A No sir.
- Q Where did your father die? A He's been dead about ten or eleven years.
- Q How old was he when he died? A He was seventy ediyears old when he died.
- Q Have you any full brothers or sisters? A Yes sir.
- Q How many? A I have eight with myself living and one dead.
- Q You all had the same father and mother? A Same father and mother.
- Q When were your father and mother married? A They married along during the war after they come up in Tennessee.
- Q Were they married lawfully? A I suppose so; there's a man-- he knows; I dont know anything about their marriage.

Quincy Baker--2.

- Q Did they live together until your father died? A Yes sir.
Q Continuously from the time of their marriage? A Yes sir.
Q Through which one of his parents did your father get his Choctaw blood? A He always taught me that his father and mother both were descended from the Choctaw Indians; he said his father was a full blood Choctaw Indian; I dont know how much blood his mother was. Whether she was full or not but that's what he always taught me.
Q What was your father's father's name? A Squire Baker.
Q What was your father's mother's name? A Easter Baker.
Q You dont know how much Choctaw blood your father's mother had? A No sir.
Q Well do you know where Squire Baker was born? A No sir; never seen him; never seen my grandfather nor grandmother.
Q Did your father ever have any full brothers or sisters? A He had one to my certain knowing. He was named Isaac.
Q He had the same father and same mother as your father? A Yes sir; that's the only one I ever seen.
Q You dont know anything about when Squire lived do you? A No sir only they say they lived in Mississippi; I dont know; I never seen them.
Q Did he have an Indian name- this man Squire Baker? A I suppose so.
Q Do you know that he had one? A I dont know.
Q You never heard of it if he did? A No sir.
Q Do you know the names of his parents - his father and mother Squire Bakers father and mother? A Yes sir.
Q What were his father and mother's names? A You me an Squire, no sir; I dont know their names.
Q You dont know the names of any of your Choctaw ancestors further back than Squire and Easter Baker? A That's as far back as I know.
Q You dont know whether they were lawfully married or not do you? A No sir I dont.
Q Dont know anything about that? A No sir.

It will be well for you to furnish the Commission with evidence of the marriage of Squire and Easter Baker and also with evidence of the marriage of George and Harriet Baker and you will be allowed a period of fifteen days from this date in which to furnish evidence of these marriages.

- Q Was your mother a slave? A Not as I knew of.
Q She was married during the war? A Yes sir.
Q Were Squire and Easter slaves? A No sir they wasn't.
Q How do you know? A My father said they wasn't slaves; he said that his father was a full blood Indian; of course I never knewed.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Well not as I know of. I dont know anything about it.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Will you allow me to make a little statement?
Q Yes. A I been married three times; two of my wives are dead- lawfully married - the one I'm living with now is Essie Baker.
Q Is Essie a Choctaw Indian? A No sir.
Q She has no Choctaw blood that you know of? A No sir.
Q You make no claim for her then? A No sir. I dont make any claim for her.

Quincy Baker--3.

- Q Have you any children by Susie? A No sir.
- Q Have you any children at all living? A Two by my first wife.
- Q What are the names and ages of these children? A The boy's named Sandy Baker, thirteen years old.
- Q What's the next one? A Amy Baker.
- Q Is Amy a girl? A Yes sir.
- Q How old is Amy? A She's nine years old.
- Q What was the name of the mother of these children? A Amy Baker; the girl's named after her mother.
- Q Did Amy have any Choctaw blood? A No sir.
- Q Had you ever been married before you married Amy? A No sir.
- Q Had she ever been married before she married you? A No sir.
- Q Were you lawfully married to her? A Yes sir.
- Q Where? A Clarksville Tennessee.
- Q About when were you married? A It's been about fifteen or sixteen years ago; we married in April the 22nd of April; I know that.
- Q How long after the death of Amy before you married the second time? A Somewhere about two years.
- Q What was the name of the second wife? A Millie Bellamy.
- Q Have you your license with you - the license of the marriage of yourself and Amy? A No sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and Amy Baker; this evidence should be furnished within a period of fifteen days from today.

- Q This application is for yourself and two minor children?
- A Yes sir.
- Q These children are living with you at this time are they?
- A Yes sir.
- Q Is your name or the name of either one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or either of these children to be admitted or enrolled as members of that tribe? A Not before today.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then neither you nor either of these children have been admitted to citizenship in the Choctaw Nation by the tribal authorities the Commission to the Five Civilized Tribes or by the United States Court for Indian Territory have you? A No sir.
- Q Has any application of any kind ever been made before to day for you or these children for the purpose of establishing your rights as Choctaws? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time the treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of these Indians from the country then occupied by them in Mississippi to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw Country in Indian territory; at the time the treaty was made some of these Indians were unwilling to leave the old nation back there in Mississippi and Alabama and for the benefit of those who preferred to remain back there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there and not move out west here to this new country might receive land back there in Mississippi and Alabama from the government. That fourteenth article is as follows: now listen carefully; this is just how it was put in the treaty seventy two years ago when the treaty was made.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article clearly?
 A I dont know - not clearly. I dont.
 Q Well I will try to make it plain to you.

In case a Choctaw Indian who lived back there in the old Choctaw Nation in Mississippi and Alabama seventy two years ago when this treaty was made decided that he wanted to stay in the old Nation and not move out west here to the new country he had the right to stay there and to receive land down there from the government upon certain conditions; first he was required to within six months from February 24, 1831 the date this treaty of Dancing Rabbit Creek was ratified, let the agent of the government in Mississippi a man by the name of Colonel Wil-

Quincy Baker--5.

William Ward know that he wanted to stay there and become a citizen of the states and take land; after he had done this he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family who was over ten years of age and unmarried at the time the treaty was made on the 27th day of September 1830 he was entitled to a reservation of three hundred and twenty acres of land or a half section and for each child in his family under ten years of age when the treaty was made he was entitled to a reservation of one hundred and sixty acres or a quarter section and the reservations of these children were required to adjoin the location of the parent; and the reservations in each instance for the head of the family was required to include the improvements of the head of the family as it existed on the 27th day of September 1830 or a portion of that improvement; now if these Indians lived on this land so reserved for them intending to become citizens of the states for five years from February 24, 1831 the day this treaty was ratified they were entitled to a grant in fee simple for the land, that is the government would give them a deed or patent to this land and it would become the property of the Indian to dispose of at his own pleasure. The last clause of that fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is an Indian who stayed back there in Mississippi and didn't move with the main portion of the tribe but took land back there should not by reason of his having taken land back there lose the privilege of a Choctaw citizen but if he ever moved out to the new nation later he was not entitled to any portion of the Choctaw annuity; the Choctaw annuity is money which becomes due to the Choctaw Indians each year from the government of the United States under treaty provisions.

- Q Do you think you understand that fourteenth article clearly now? A Yes sir.
- Q Did any of your forefathers or ancestors comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits thereunder? A No as I know of.
- Q Did any of them own an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Not as I know of.
- Q Did any of them live there at that time to your knowledge? A Not to my knowledge.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stake in Mississippi become citizens of the states and take land there? A Not to my knowledge.
- Q Well did any of them move to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A Not to my knowledge.

Quincy Baker--6.

- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Not to my knowledge.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and have improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of those Choctaw cases.

- Q Did any of your ancestors appear before any of those Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?
A I dont know.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi or in Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any of this scrip from the government under this fourteenth article of the treaty of Dancing Rabbit Creek. A Not to my knowing.
Q So far as you know then none of your ancestors ever received any benefits of any description from the government of the United States as Choctaws? A No sir.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits under that fourteenth article? A No sir I dont.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts - any deeds or patents or papers of any kind? A No sir; if I had time to look it up--
Q Well you dont know of any now -- have you any written evidence

Quincy Baker--6.

to offer at this time in support of your application?

A No sir.

Q Have you any witnesses here to day to testify in your behalf.

A I have one.

Q What's his name? A William Fauntleroy.

Q Is he any kin to you? A No xsir.

Q What do you expect to prove by him? A Only just about my father and mother being married; that's all; he knew them at the time they was married and all the time they lived together; that's all he knows.

If you should find any other witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee, within fifteen days from today and their testimony will be taken or if you should find any written evidence of any description which you desire to offer in support of this application such proper written evidence as may be received within fifteen days from today will be accepted and considered in your case.

Q Are there any further statements you want to make? A No sir

Q How many brothers have you? A Four.

Q What are their names? A Andrew Baker.

Q The next one? A He is known as Squire Baker but he always went by Marion Baker. That's the way he signs his name.

Q The next one? A Isaac Baker.

Q The next one? A Sam Baker.

Q Have you any sisters living? A Yes sir?

Q How many? A Four.

Q What are their names, give us their married names if married

A Three sisters -- Frankie Jackson, Georgia Ramay.

Q Spell that last name? A G-e-e-r-g-e R-a-m-y.

Q What's the next one? A Ida Holmes.

Q Have any of your brothers or sisters been before this Commission? A No sir.

Q Have you any brothers dead who left children? A No sir.

Q Have you any sisters dead who left children? A One.

Q What was her name? A Easter Baker.

Q What was her married name? A She was 'nt married.

Q How many children did she leave? A Two.

Q What are their names? A Anna Baker and Lou Baker.

Q Are they living now? A Yes sir.

Q Has any application ever been made for them? A No sir.

Q How many brothers did your father have? A I disremember but it seems to me like he had four but I disremember; I never seen but one of them, is the only one I ever come up agin.

Q Didn't you say a while ago that he never had but one? A No sir I never seen but one.

Q His name was Isaac? A Yes sir.

Q Did Isaac leave any children? A Yes sir.

Q Are any of Isaac's children living now? A I think there's one; I know of one.

Q What's that one? A Mary Dabney.

Q Was she been before this Commission? A No sir.

Q Did Isaac ever have any children besides this one? A Yes sir but they all died with the consumption; he had a large family.

Q Did any of them leave children - any of Isaac's children

Quincy Baker--9.

leave children when they died? A I suppose they did; there was several of them married but they all scattered; I dont know where they are.

Examination by S.W.Isaac, Attorney:

- Q What is your impression you say as to where your father came from? A From Mississippi
Q What part of Mississippi? A I dont know what part.
Q You dont know what part of Mississippi? A I dont remember.
Q Never did hear him say what part he came from? A No sir not to my recollection; he talked a heap when we was children but I cant tell what part he come from.
Q Did you ever hear your father say anything about where he was living in the year 1830 way back in his early days?
A No sir.
Q Did you get any impression as to where you father was in your father's boyhood days? A No sir.
Q You never did learn from him as to where your father's father was in your father's boyhood days? A No sir.
Q But you did understand from your father that he came from the state of Mississippi - was born there? A Yes sir.

Examination by the Commission:

- Q You dont speak or understand the Choctaw language do you?
A No sir.
Q Is there anything further you want to say in support of your application? A No sir.

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This applicant has the appearance of being a full blood negro; does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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William Fauntleroy being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William Fauntleroy.
Q How old are you William? A I'm near about sixty two - will be next month.
Q Where were you born? A I was born in Tennessee, Montgomery County.
Q Do you live there now? A Yes sir.
Q What's your post office address? A I been using both but there's a new post office set up there by me Big Ford Tennessee; I'm using that now.
Q You were a slave were you? A Yes sir.
Q Are you acquainted with this man Quincy Baker who has just appeared before the Commission? A Yes sir; known him

William Fawcett--2.

- ever since he was a child.
- Q Did you ever hear of his having Indian blood?
- A His father -- I was acquainted with his father; his father always told me he was connected with the Indians.
- Q What kind of Indian was he? A Well I dont know; I dont know anything about them; I dont know what kind; I dont know the different names amongst the Indians.
- Q He couldn't talk any Indian language could he? A He had ways mighty like them.
- Q He couldn't talk the Indian language could he; A No sir he talked the American language.
- Q What was this boy's father named? A George Baker.
- Q Was he older or younger than you? A Older man than I was.
- Q How much older? A About twenty five or thirty years. When I first knew him he was a man somewhere between fifty when I first knew him and I was about twenty three or four.
- Q Do you know whether he was a slave or not. A No sir I dont. I got acquainted with him along about the time of the war.
- Q Now what was Quincy's mother's name? A She was named Harriet Baker.
- Q Was Harriet a slave? A Yes sir.
- Q Well do you know whether George and Harriet were married or not? A Yes sir I knew that because I was at the marriage.
- Q Where were they married? A In Christian County Kentucky near the place I lived.
- Q What year? A I dont know exactly what year; somewhere about sixty one or two.
- Q That was just about the time the war broke out was it?
- A Yes sir.
- Q Were they married under a license? A It may have been a lit tle before that time; I dont exactly remember.
- Q Were they married under a license? A You know people wasn't married then under a lawful license; they was just married you know.
- Q Who performed this ceremony? A His brother Geogre Baker; he was some sort of a preacher you know.
- Q They were married according to the slave custom at that time? A Yes sir.
- Q Did they live together as husband and wife up until the time of the death of George Baker? A Yes sir.
- Q How many children were born to them-- about how many? A Let me see; there was --
- Q Just tell me the number? A I think he had about ten, or eleven children; he's got eight - let's see - he's got eight or nine living I think.
- Q Well do you know the name of George Baker's father? A I do not.
- Q You were not acquainted with any of his ancestors? A No sir.
- Q You never lived in Mississippi did you? A No sir.
- Q You never heard of George Baker or any of his people ever having gotten land in Mississippi from the government, No
- A No sir.
- Q Never heard of his ever having claimed any land there did you? A No sir.

William Pauntierey--3.

Examination by S.W. Isaacs- Attorney.

- Q Did you ever hear George Baker say where he come from? A I disremember. He was a native of Kentucky -- I dont know whether he said he come from Mississippi or where; I cant confound to that.
- Q You have no idea from where he came from from your association with him? A No sir I dont recollect anything about where he come from.
- Q George Baker and Harriet Baker lived together and were reputed to be man and wife until he died? A Yessir.

Examination by the Commission:

- Q Are you any kin to Quincy Baker who was here today? A No sir.
- Q Are you interested in any way in the result of his application? A O, No sir.
- Q What's your occupation? A I am a farmer.
- (This witnesses is a negro of average intelligence.)

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause in the 18th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30 day of July 1902.

Guy L. Emerson
Notary Public.

COPY.

W.A.S.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Quincy Baker, et al.,
for identification as Mississippi Choctaws, H.C.R. 6079.

DECISION

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Quincy Baker for himself and his two minor children, Sandy and Amy Baker, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Squire Baker, who is alleged to have been a full blood Choctaw Indian, and Easter Baker, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Squire Baker, or Easter Baker, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat. 180) and August 23, 1842 (6 Stat. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Quincy

Baker, Sandy Baker and Amy Baker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

FEB 3 1903.

Muskogee, Indian Territory, August 20, 1902.

Received of the Commission to the Five Civilized Tribes one copy
of the testimony of Quincy Baker, in the matter of the application
for identification as Mississippi Choctaws of Quincy Baker, et al.,
M C R 6079.

S. W. Gage
Attorney for applicants.

COPY.

M.C.R. 6079

Muskogee, Indian Territory, February 3, 1903.

Quincy Baker,

Southside, Tennessee,

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Quincy Baker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Quincy Baker, Sandy Baker and Amy Baker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Quincy Baker, --2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 6079

Muskogee, Indian Territory, February 3, 1903.

Hansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Quincy Baker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), whi

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Quincy Baker, Sandy Baker and Amy Baker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such, should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

COPY.

M.C.R. 6079

Muskogee, Indian Territory, February 3, 1903.

S. W. Isaac,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Quinoy Baker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Quinoy Baker, Sandy Baker and Amy Baker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

S. W. Isaac, --2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Bixby.

Acting Chairman.

Registered,

CO:

Muskogee, Indian Territory, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Quincy Baker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 3, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James D. Kirby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 8079

COPY.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land 12802-1903.

June 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the five Civilized Tribes dated February 19, 1903, relative to the record of the application of Quincy Baker for the identification of himself and his two minor children Sandy and Amy Baker for identification as Mississippi Choctaws.

February 3, 1903, the Commission held that the applicants were not entitled to identification.

The applicants in this case claim right to identification by reason of descent from Squire Baker and Easter Baker.

The records of this office do not show that Squire Baker or Easter Baker complied or attempted to comply with the 24th article of the treaty of 1830, or with the acts of March 3, 1837 and August 23, 1842.

The approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

G.A.W. (B)

COPY.
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCF
RAF

D. C. 17534
ITD 4924-1903.

June 16, 1903.

L RS

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 19, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Quincy Baker and his minor children, Sandy and Amy Baker, including your decision of February 3, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Squire Baker and Easter Baker, through their son, George Baker, father of the principal applicant, it being alleged that Squire Baker was a full blood Choctaw Indian and that Easter Baker was possessed of Choctaw Indian blood, degree unknown.

Neither the evidence herein nor the records of the Indian Office show that said ancestors complied or attempted to comply with article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department has reviewed the whole record
and finds no reason to disturb your decision; it is
therefore affirmed.

Respectfully,

(signed) E. A. HITCHCOCK,
Secretary.

1 inclosure.

M. C. R. 6079.

COPY.

Muskogee, Indian Territory, July 21, 1903.

Quincy Baker,

Southside, Tennessee.

Dear Sir:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Quincy Baker et al., of which decision you were advised by registered mail on the 3rd day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M. C. R. 6079.

COPY.

Muskogee, Indian Territory, July 21, 1903.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Quincy Baker et al., of which decision you were advised by registered mail on the 3rd day of February, 1903.

Respectfully,

I. B. Needles.
Commissioner in Charge.

M. C. R. 6079.

COPY:

Muskogee, Indian Territory, July 21, 1903.

Mansfield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Quinoy Baker et al., of which decision you were advised by mail on the 3rd day of February, 1903.

Respectfully,

I. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

Name

Quincy Baker

Age

34

Blood

1/4

Post-Office,

Gouthside, Tenn

Father:

George Baker

Mother:

Harriet

Claims through

father.

wife

Susie Baker

No claim for wife

Children:

Sandy Baker

13

Amy

"

9

Mother Amy

" (no choc blood)

Self and 2 children

Choctaw MCR 6080

Susan A. Thompson

MCR 6080

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Susan A. Thompson, et al., for identification as Mississippi Choctaws, M.C.R. 6080.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Susan A. Thompson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the application of Susan A. Thompson, et al., for identification as Mississippi Choctaws-----	8

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory July 18, 1902.

In the matter of the application of Susan A. Thompson for the identification of herself and her four minor children Andrew Jackson Green, Essie Ada Green, Bessie Lee Green and Ora Effie Green as Mississippi Choctaws.

Susan A. Thompson being first duly sworn testified as follows.

Examination by the Commission:

- Q What is your name? A Susan A. Thompson.
Q How old are you? A Thirty nine.
Q How much Choctaw blood do you claim to have? A A sixteenth part.
Q What's your post office address? A Remus Oklahoma.
Q How long have you lived in Oklahoma? A About seven years.
Q Where did you live before that? A In the Chickasaw part of the time and in Texas.
Q Where were you born? A In was born in Mississippi.
Q What county? A Well now I cant tell you; I was small; I was born near Austin Mississippi; they lived there with me when I was only three years old.
Q Where did you move to? A Moved to Texas.
Q Is your father living? A No sir.
Q What was his name? A Spain.
Q His given name? A John Spain.
Q Is your mother living? A No sir.
Q What was your mother's name? A Nancy Jane Spain.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q How old would your mother be if she were living now? A She would be about fifty nine or sixty.
Q Where was she born? A Mississippi.
Q Lived there until you moved west when you were about three years old? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood? A Her mother.
Q What was her mother's name? A Shook.
Q Her given name? A Nancy Shook.
Q What was your mother's father's name.
Q Given name?
Q Yes. A Well I declare I've forgotten.
Q His surname was Shook? A Yes sir.
Q Did your mother have any brothers or sisters older than she was? A It appears to me as though she had one brother older than she was.
Q Do you know in what year your mother's mother Nancy Shook was born? A No sir I do not.
Q What was Nancy Shook's maiden name? A You will have to give me a few minutes to study on it; I got their names mixed up so; I disremember what her name was.

Susan A. Thompson--2.

- Q Through which one of her parents did Nancy Shook get her Choctaw blood? A Her mother.
- Q What was her mother's name? A Her name was Walker.
- Q What was her given name? A It appears to me like it was Sarah.
- Q Was Walker her maiden name or her married name? A Her name before she was married I think.
- Q She was half blood Choctaw was she? A Yes sir.
- Q Where was she born? A I think they were born in Mississippi.
- Q Do you know when she died? - in what year Sarah Walker married? A No sir I don't.
- Q Do you know the names of her parents? A No sir I don't know anything more than Levi Walker was a great grand father to my mother I think.
- Q Was he Sarah Walker's father? A He must have been.
- Q How much Choctaw blood did he have? A I think he was a full blood or three quarters.
- Q Did he have an Indian name - Levi? A Yes sir.
- Q What was his Indian name? A I don't remember what they called him in Choctaw.
- Q Did you ever see him? A No sir I never seen him.
- Q Did you ever see Sarah? A No sir.
- Q Did Sarah have an Indian name? A I don't know sir whether she did or not; mother talked principally English.
- Q Was your mother ever in Indian Territory, A Yes sir she's been in the Indian Territory.
- Q Was she ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory?
- A No sir I don't know whether she was or not.
- Q Are you married? A Yes sir I been married twice.
- Q Is your first husband dead? A Yes sir.
- Q What's your present husband's name? A W.E. Thompson.
- Q What's that W for? A Welin.
- Q Has he any Choctaw blood? A Not that I know of.
- Q You make no claim for him? A No sir none on my self.
- Q You have no children? A Yes sir.
- Q How many children have you living? A Four children.
- Q Are they all by your present husband? A No sir they are all by my first husband.
- Q What are the names and ages of your children? A The oldest one, he will be eighteen the sixteenth day of this coming February.
- Q What's his name? A Andrew Jackson.
- Q What's his surname? A Green.
- Q What's the name of the next one of your children? A Fessie Ada Green.
- Q How old? A Fourteen.
- Q The next one? A Thirteen.
- Q What's the name of that one? A Fessie Lee. Thirteen.
- Q The next one? A Ora Effie.
- Q How old is she? A She's nine.
- Q That's all your children? A Yes sir.
- Q The three youngest are girls? A Yes sir.
- Q The oldest a boy? A Yes sir.
- Q What's the name of the father of these children? A Robert Green.
- Q Did he have any Choctaw blood? A No sir he was Irish descent.
- Q This application is for yourself and your minor children?
- A Yes sir.

- Q Is your name or the names of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory.
- A Have they ever been.
- Q Is your name or the names of any of these children on the tribal rolls in Indian Territory? A No sir they are not.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or anyone of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir I never have.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896 for yourself or anyone of these children? A No sir.
- Q Then neither you nor anyone of these children have been admitted to citizenship in the Choctaw Nation by the tribal authorities the Dawes Commission or the United States Court for Indian Territory? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made these Indians lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river; part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time this treaty was made some of those Indians were unwilling to leave the old Nation in Mississippi and Alabama and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old nation and not move out west to the new country might receive land there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the

Susan A. Thompson-4.

Choctaw annuity."

- Q Do you think you understand that fourteenth article? A Yes sir I think I do.
- Q Did any of your ancestors live in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I think Levi Walker did.
- Q Any others? A Yes there's some others but I disremember what their names was.
- Q I mean your direct ancestors. A Yes sir I suppose my grandmother did; she lived there until her death.
- Q Do you know whether she owned improvements there at that time? A She didn't I don't think.
- Q Do you know whether within six months after this treaty of Dancing Rabbit Creek was ratified any of your Choctaw ancestors let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land? A Yes sir.
- Q Who? A Her name was Aunt Sarah; my mother's aunt.
- Q She let the agent know she wanted to stay there? A Yes sir.
- Q How do you know that? A My mother told me and others has told me who is related to me.
- Q Who else told you? A Tecumseh McClure.
- Q Who is he? A A full blood Indian.
- Q Where does he live? A He lives in the Chickasaw.
- Q How old is he? A I suppose he's way long in eighty.
- Q What's his post office address? A Whitehead I think.
- Q He told you now as I understand you that your aunts or that your grand mother or your great grandmother - which is it? A Sarah Walker, great grandmother.
- Q Let the agent of the government in Mississippi know that she wanted to stay there and take land under this fourteenth article? A Yes sir; that she was opposed to moving.
- Q Do you know the name of the agent? A No sir I don't.
- Q When did this Indian tell you that? A A couple of years ago.
- Q Is he any kin to you? A Yes sir he's distantly related to my mother.
- Q Did any of your Choctaw ancestors ever claim or receive any land back there in Mississippi from the government of the United States under this fourteenth article? A I don't know sir whether they did or not. I was raised in the states.
- Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek?
- A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the states; the records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know they wanted to stay and take land and on this account the government at its public land sales in many instances sold land on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of

complaint and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1838 and 1842 providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of those Choctaw cases.

Q Did any of your ancestors appear before any of those Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?

A I cant answer to that but I think-- I know I could get older witnesses that knows all about it - thoroughly understand it.

Q Who can you get? A I can get Tecumseh - Tecumseh McClure and David Spain.

Q How old is he? A I suppose he's between forty and fifty.

Q Where does he live? A Whitehead.

Q Anyone else? A R.W. Reeves is a white man; he knew all about my mother.

Q How old a man is he? A He's about fifty some odd; I cant say.

Q Where does he live? A In the Indian Territory somewhere; I dont know his post office.

Q Do you know of anyone else who would know about this matter?

A Why Mrs Allen, her post office is McAlester.

Q How old is she? A I dont know sir.

Q What's her given name? A I cant tell you that.

Q Is that all the people you know who know anything about the matter? A O no I guess I could study and tell you a dozen.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors receive any scrip from the government? A If they did it's unbeknownst to me; I dont know.

Q You dont know whether any of your ancestors ever received any benefits as Choctaw Indians or not? A I dont know.

Q You dont know whether any of them were recognized members of the tribe in 1830 or not? A Yes sir they were recognized.

Q Do you know of any deeds or patents or other written

evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder. A I dont know.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.

- Q Have you any witnesses here today? A No sir.
- Q If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from today and their testimony will be taken or if you should desire to offer any written evidence in support of your application and proper written evidence as may be offered within a period of fifteen days from this date will receive the consideration of the Commission.
- Q Are there any further statements you want to make in support of your application? A No sir not that I know of.
- Q Have you any brothers or sisters living? A Yes sir.
- Q How many? A I have three brothers living.
- Q How many sisters? A Nary one.
- Q Give the names of your brothers? A J.W. Spain, is one.
- Q Whay's that J for? A John.
- Q The next one? A Charlie B. Spain.
- Q The next one? A I declare I dont know the youngest 's name correct -- that is all of it.
- Q What is his name? A Allen was part of his name; he has a double name but I cant call it.
- Q Have these brothers been before the Commission? A No sir; they never have. They are in the states.
- Q Have you any brothers or sisters dead? A Yes sir.
- Q Did any of them leave children? A One.
- Q What was the name of that one? A Andrews, was her husband's name.
- Q What was her given name? A Isophena Spain, was her maiden name.
- Q How many children did she leave? A Four.
- Q Are they living? A Yes sir; was the last time I heard from the m.
- Q What are their names? A Rachel is one.
- Q The next one? A Carl it seems as though the next one is. I dont remember the other children's names.
- Q Do you know whether any application has been made to this Commission in behalf of those four children? A I think there has not.
- Q So far as you know then none of your relatives have ever been before the Commission? A No sir; part of them lives in the state of Arkansas.
- Q Has your mother any brothers or sisters living? A No sir.
- Q Did she ever have any brothers or sisters? A Yes sir.
- Q How many? A She had two brothers or maybe more but two is all I know of.
- Q Did either one of these brothers leave children? A No sir.
- Q Did she have any sisters? A Yes sir.
- Q How many? A She had four sisters.
- Q Did any of them leave children? A One.
- Q What was her name? A Her name was Mary Anna Owens.
- Q Are any of her children living now? A They were the last time I heard from them.
- Q What are their names? A One's named Elijah.
- Q The next one? A Reuben. She only had two children.
- Q Where do they live? A Trenton Tennessee.
- Q You dont speak or un erstand the Choctaw language? A No sir; very little; I can speak it some.
- Q Do you know the names of Sarah Walker's husband? A No sir I do not.

Susan A. Thompson--7.

An examination of the records in the possession of the Commission containing the names of persons who complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or received benefits thereunder fails to disclose the name of Sarah Walker.

Q There is nothing else you want to say is there? A No sir.

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This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; she has dark hair rather fair complexion, hazel eyes; has rather prominent cheek bones; does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30 day of July 1902.

Guy L. Emerson
Notary Public.

COPY

G.A.L.
Civil.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Susan A. Thompson, et al., for identification as Mississippi Choctaws, M.C.R. 6080.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Susan A. Thompson for herself and her four minor children, Andrew Jackson, Essie Ada, Bessie Lee and Ora Effie Green, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Levi Walker, who is alleged to have been a three-fourths or full blood Choctaw Indian, and to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Levi Walker, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 160) and August 23, 1842 (5 Stats., 513).

-3-

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan A. Thompson, Andrew Jackson Green, Essie Ada Green, Bessie Lee Green and Ora Effie Green as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 5 1903

COPY
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
13439--1903.

March 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Susan A. Thompson, for herself and her four minor children, Andrew Jackson, Essie Ada, Bessie Lee and Ora Effie Green, wherein a decision adverse to the applicants was rendered by the Commission on February 5, 1903.

It appears from an examination of the evidence in this case that Levi Walker is the ancestor through whom these applicants claim identification, and it is alleged that he was a citizen of and resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty.

The decision of the Commission rejecting these applicants states that its records do not included the name of Levi Walker or of ancestors less remote, as having complied or attempted to comply with the provisions

of the 14th article of the Choctaw treaty of 1830.

The name of said ancestor, Levi Walker, has been searched for in the records of this office, and it is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I have, therefore, to recommend that the decision of the Commission rejecting these applicants, be approved.

Very respectfully,

(signed) A. C. Tonner,

Acting Commissioner.

E.B.F.H'r.

3 enclosures.

COPY
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

D.C. 11666
ITD 3140-1903.
IRS

April 21, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 21, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Susan A. Thompson (M C R 6080), for herself and her four minor children, Andrew Jackson Green, Essie Ada Green, Bessie Lee Green and Ora Effie Green, including your decision of February 5, 1903, denying their application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Levi Walker, who is alleged to have been a three-fourths or full blood Choctaw Indian, and to have resided in the old Choctaw Nation in Mississippi and Alabama in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830.

or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed)

THOS RYAN
Acting Secretary.

1 inclosure.

H C R 5080

COPY.

Muskogee, Indian Territory, April 30, 1903.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Susan A. Thompson, et al., of which decision you were advised by mail on the 5th day of February, 1903.

Respectfully,

Tamr Bixby.
Chairman.

M C R 8080

COPY.

Muskogee, Indian Territory, April 30, 1903.

Susan A. Thompson,
Remus, Oklahoma.

Dear Madam:

You are hereby notified that on the 31st day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Susan A. Thompson, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

Tams Birby.
Chairman.

COPY.

Muskegee, Indian Territory, February 5, 1903.

Susan A. Thompson,

Remus, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan A. Thompson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of the Commission that the evidence herein is insufficient to determine the identity of Susan A. Thompson, Andrew Jackson Green, Bessie Ada Green, Bessie Lee Green and Ora Effie Green as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

S. A. T. No. 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED:

Jams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 5, 1903.

Manafield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan A. Thompson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan A. Thompson, Andrew Jackson Green, Essie Ada Green, Bessie Lee Green and Ora Effie Green as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixie.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 21, 1903.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Susan A. Thompson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 3, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6080

Tams Birby.
Chairman.

For Identification as a Mississippi Choctaw.

Date _____
 Name Susan A. Thompson

Age 39 Blood 1/16

Post-Office, Remus, Okla

Father: John Spain d

Mother: Nancy J. " d

Claims through mother.

husband.
Wesley E. Thompson L

No claim for husband.

Children:

Andrew J. Green 17

Essie A " 14

Bessie L. " 13

Ora E " 9

Father Robert Green (no Choctaw) 9

For self and 4 children

Choctaw MCR 6081

Lula Strickland

MCR 6081

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lula Strickland, et al.,
for identification as Mississippi Choctaws, M.C.R. 6081.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Lula Strickland, et al., to the Dawes Commission for identifi- cation as Mississippi Choctaws-----	1
Joint affidavit of W. H. Boyd, C. R. Boyd and James P. Warren-----	7
Decision of the Commission refusing the application of Lula Strickland, et al., for identification as Mississippi Choctaws-----	8

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 18, 1902.

--O--

In the matter of the application of Lula Strickland for the identification of herself and her four minor children Mary May Warren, Artie Maud Strickland, Luther Strickland, and Ella Nora Strickland as Mississippi Choctaws.

Lula Strickland being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Strickland.
Q What's your given name? A Lula.
Q How old are you? A Thirty four.
Q How much Choctaw blood do you claim to have? A Well I dont know what part.
Q What is your post office address? A Asher Oklahoma
Q How long did you live in Oklahoma? A Nearly two years; will be this fall.
Q Where did you live before that? A Texas.
Q What part of Texas. A I lived in Milan, Belle and Hunt.
Q Counties? A Yes sir.
Q Where were you born? A In Milan I think.
Q Milan county Texas? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A John G. Whittington.
Q How long has he been dead? A About nineteen years.
Q About how old was he when he died? A I was a little over sixteen.
Q How old was he when he died? A I dont know exactly; he was up in fifty; I dont know; he was getting tolerable old.
Q Is your mother living? A No sir.
Q What was her name? A Elizabeth paulina.
Q Through which one of your parents do you get your Choctaw blood? A From my father's side.
Q Where was your father born? A Well Mississippi I reckon.
Q Do you know what county? A No sir.
Q Do you know when he left Mississippi? A No sir I dont.
Q How do you know he came from Mississippi? A Well I've just heard him talk about it.
Q You have heard him speak of having been there? A Yes sir
Q I've heard him talk about Mississippi more than any other state.
Q Do you know how much Choctaw blood your father had? A No sir I dont.
Q He wasn't full blood was he? A No sir I dont reckon he was.
Q Your mother was a white woman? A Yes sir.
Q Could your father speak the Choctaw language? A He could talk-- he would talk to us children but I dont know what kind of language it was.
Q He spoke English didn't he? A Yes sir.
Q And then he spoke some other language that you didn't understand? A Yes, us children couldn't understand it.
Q He never lived in Indian Territory? A No sir.
Q Do you know the names of his parents; his father and mother. A They always called him Bird.
Q Your father's father? A Yes sir.
Q Did you ever see him? A Yes sir.

Lula Strickland--2.

- Q How much Indian blood did he have? A Why I dont know; right smart though. I was small.
- Q They called him Bird Whittington did they? A Yes sir.
- Q Did he have a Choctaw name? A I reckon he did.
- Q Do you know what it was? A Well I was small - tolerable.
- Q Say no if you dont know. A No sir
- Q Where was he born? Q Well I dont know.
- Q Did he come from Mississippi? A Yes I think he did.
- Q Do you know the names of his father and mother? A No sir.
- Q What was the name of your father's mother? A Why I dont know what her name was.
- Q Did you ever see her? A Yes sir.
- Q Was she a white woman? A Yes sir.
- Q You dont know whether Bird Whittington was a full blood Choctaw or not? A No sir I dont.
- Q Do you think he had some Choctaw blood? A He might a little
- Q He spoke the Choctaw language? A Yes sir; he talked something; of course I was small then and I didn't pay enough attention to know.
- Q Do you know whether Bird and your father's mother were lawfully married? A Yes sir.
- Q How do you know it? A Well I dont only just what they said.
- Q How long did they live together as husband and wife? A They lived together until he died.
- Q How many children were born to them? A There was seven or eight somewhere along there.
- Q Were your father and mother lawfully married? A Yes sir.
- Q How long did they live together as man and wife? A Until he died.
- Q How many children were born to them? A Eight; four of them is dead.
- Q Have you any evidence of the marriage of your father and mother with you at this time? A No sir.

It will be necessary that the Commission be furnished with evidence of the marriage of your father and mother and also of the marriage of your father's father and mother and you will be allowed a period of fifteen days from today in which to offer proper evidence .

- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir I think not.
- Q Are you married? A Yes sir been married twice.
- Q Is your second husband living? A Yes sir.
- Q What's his name? A Strickland. -- James
- Q Has he any Choctaw blood? A No sir I think not.
- Q You make no claim for him? A No sir.
- Q Have you any children by your present husband? A Three ; one by my first husband.
- Q What's the name of the child by your first husband? Mary May Warren.
- Q How old is she? A Thirteen years old today.
- Q Is she living with you at this time? A Yes sir.
- Q What was the name of her father? A Andrew Jackson Warren.
- Q Did he have any Choctaw blood? A No sir I reckon not.
- Q When did he die? A He's been dead about twelve years I reckon; she was about a year old when he died.
- Q When did you marry the second time? A I been married about ten years.
- Q What are the names of your children by your second husband?

Lula Strickland--3.

- A Artie Kaud.
 Q A girl. A Yes sir.
 Q How old is she? A She's nine years old.
 Q The next one? A Luther.
 Q How old is he? A Six.
 Q The next one? A Ella Nora.
 Q How old is she? A Four.
 Q That's all of your children is it? A Yes that's all.
 Q Are all of these children living with you at this time?
 A Yes sir.
 Q Are these three younger children the children of yourself and James Strickland? A Yes sir.
 Q This application then is for yourself and four children is it? A Yes sir.
 Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A I dont know.
 Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or anyone of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
 Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or anyone of these children? A No sir.
 Q Has any application of any description ever been made before today in your behalf or in behalf of any of these children for the purpose of establishing your rights as Choctaws? A No more than I wrote a letter or two up here.
 Q Neither you nor your children have been admitted to citizenship in the Choctaw Nation by the tribal authorities the Dawes Commission or the United States Court have you? A No sir.
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under article fourteen of the treaty of Dancing Rabbit Creek? A yes sir.

This treaty of Dancing rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory. at the time this treaty was made some of the Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old nation might receive land back there from the government. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do

so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. Do you think you understand that fourteenth article? A. Yes sir I reckon I do.
- Q. Did any of your ancestors or forefathers own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty of Dancing Rabbit Creek was made? A. I dont know sir.
- Q. Did any of your ancestors own an improvement upon any part of this old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A. I dont know.
- Q. Did any of them live there at that time to your knowledge? A. No sir I dont know.
- Q. Did any of them within six months from after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land? A. No sir I dont know.
- Q. Did any of them remove to the present Choctaw nation in Indian Territory at the time of the removal of the great or portion of the Choctaw tribe between the years 1833 and 1838? A. No sir I dont reckon they did.
- Q. Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A. No sir none of them ever did.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay and take land and on this account the government at its public land sales in many instances sold land in Mississippi on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go to Mississippi and hear the cases of Choctaws who claimed they had complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between

Lula Strickland--5.

the years 1837 and 1838 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A No sir not that I knew of.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I don't know.
- Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir not that I knew of.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time? A No sir.
- Q Have you any witnesses here to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear appear before us here at Muskegee within fifteen days from today and their testimony will be taken; or if you should see fit to offer any written evidence such proper written evidence as may be offered in fifteen days from today will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q How many brothers have you living? A One.
- Q What's his name? A Riley Whittington.
- Q Has he ever been before this Commission? A No sir.
- Q Where does he live? A He lives in Texas.
- Q Have you any sisters living? A Yes I reckon they are living; they were the last I heard from them.
- Q What are their names? A Lucy Hipp.
- Q The next one? A Lula Jane; they married brothers.
- Q Have you any other sisters? A No sir.
- Q Have these sisters been before the Commission? A No sir.
- Q Have you any brothers or sisters dead who left children? A No sir.
- Q Are any of your father's brothers or sisters living to your knowledge? A Well the last I heard from them they was living.
- Q Name those who are living? A Bryant, Jim, George. That's all the boys.

Lula Strickland--6.

- Q What are the names of the girls - their married names.
A One they call Nancy.
Q Nancy what? A Hennington.
Q The next one? A They call her Fannie Dupre. They call
one Lela Moody.
Q Is that all the sisters? A Yes sir I believe it is.
Q Do you know whether any of the brothers or sisters of your
father have been before this Commission? A Not that I
know of.
Q Has your father any brothers or sisters dead who left
children? A No sir.

---0---

This applicant has the appearance of being possessed of a mixture of white and Indian blood in which the white blood predominates; her features and facial expression indicate that she is possessed of Indian blood; she has black hair, black eyes, rather prominent cheek bones; she does not speak or understand the Choctaw language and has no knowledge of compliance on part of her ancestors with the provisions of the fourteenth article of the treaty of Banding Rabbit Creek.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 20th day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

had.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

)))0)))

In the matter of the application of Lula Strickland, et al.,
for identification as Mississippi Choctaws, M.C.R. 6081.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Lula Strickland for herself and her four minor children, Mary May Warren, Artie Maud Strickland, Luther Strickland and Ella Nora Strickland, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Bird (or Bird Whittington) who is alleged to have been possessed of some Choctaw Indian blood, degree thereof not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bird (or Bird Whittington) or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 615).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula

Strickland, Mary May Warren, Artie Hama Strickland, Luther Strickland and Ella Norma Strickland as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED,

Tame Birby.

Acting Chairman

SIGNED,

T. B. Needles.

Commissioner

SIGNED,

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

FEB 3 1903

E O R 6081.

Muskogee, Indian Territory, August 11, 1902.

Eula Strickland,

Asher, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th inst, in which you ask that the time allowed you in which to furnish additional evidence in support of your claim be extended.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws, having made such application before the Commission on July 18, 1902, at which time you were allowed fifteen days in which to introduce additional evidence.

In compliance with your request, you are now advised that an extension of time will be granted until August 26, 1902, to introduce additional evidence.

Yours truly,

Acting Chairman.

M.C.R. 0001.

Muskogee, Indian Territory. August 30, 1908.

Wm. Strickland,

Asher, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th inst., enclosing the joint affidavit of W.H. Boyd, R.G. Boyd and James P. Warren, offered for filing in support of the application made by you for the identification of yourself and your minor children as Mississippi Sharecroppers.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

M.C.R. 6081.

COPY.

Muskogee, Indian Territory, February 3, 1903.

Lula Strickland,

Asher, Oklahoma.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lula Strickland, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Strickland, Mary May Warren, Artie Naud Strickland, Luther Strickland and Ella Nora Strickland as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and

L. S. # 2.

that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamr Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6081.

Muskogee, Indian Territory, February 3, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lula Strickland, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Strickland, Mary May Warren, Artie Maud Strickland, Luther Strickland and Ella Nora Strickland as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

“SIGNED”

Tame Dixie.

Acting Chairman.

M.C.R. 6081.

Muskogee, Indian Territory, February 13, 1903.

Lula Strickland,

Chickasha, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st inst., advising that you have moved to the Chickasaw Nation, and that your post office address is Chickasha, Indian Territory.

The same has been made a matter of record with the Commission.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lula Strickland, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 3, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nation have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James H. Hoge

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6081

Copy.

Land

12808-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON? June 4, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated February 19, 1903, transmitting the record relative to the application of Lula Strickland for the identification of herself and her four minor children Mary May Warner, Artie Maud, Luther, and Ella Nora Strickland as Mississippi Choctaws.

February 3, 1902, the Commission held that the applicants were not entitled to identification. The applicants claim the right to identification by reason of descent of Bird, or Bird Whittington.

The records of this ~~case~~ do not show that anyone by the name of Bird, or Bird Whittington complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that he applied to the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for the identification of his rights. This being true the parties are not entitled to identification and the approval of the Commission's decision is recommended.

Very respectfully,

G. A. W. (B)

A. C. Tonner,
Acting Commissioner.

M C R 6081

Muskogee, Indian Territory, March 11, 1903.

Lula Strickland,

Chickasha, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you state that you are endeavoring to get additional evidence to file in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

In reply to your letter you are informed that the fifteen days from February 3, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 18, 1903. On February 19, 1903, the record in your case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence. You will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

WCP.

EAF.

D.C.17537

ITD. 4898-1903.

L. R. S.

June 16, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:-

February 19, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Lula Strickland and her minor children, Mary May Warren, Artie Maud Strickland, Luther Strickland and Ella Nora Strickland. You refused the application February 3, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Bird or Bird Whittington, through his son, John G. Whittington, father of the principal applicant, it being alleged that said Bird or Bird Whittington was possessed of some Choctaw Indian blood, degree unknown, and that he resided in Mississippi in 1830.

The evidence submitted and the records of the Indian Office fail to show that any one of said ancestors of the applicants complied or attempted to

- 2 -

comply with article 14 of said treaty, or the subsequent acts of Congress relating thereto.

Reporting June 4, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

M. C. R. 6081.

COPY!

Muskogee, Indian Territory, July 21, 1903.

Wamsfield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lula Strickland et al., of which decision you were advised by mail on the 3rd day of February, 1903.

Respectfully,

SIGNED

T. B. Needles.
Commissioner in Charge.

M. C. R. 6081.

COPY:

Muskogee, Indian Territory, July 21, 1903.

Lula Strickland,

Chickasha, Indian Territory.

Dear Madam:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lula Strickland et al., of which decision you were advised by registered mail on the 3rd day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date _____
 Name Lula Strickland
 Age 34 Blood don't know
 Post-Office, Asher, Okla.
 Father: John G. Whittington d
 Mother: Elizabeth P. " d
 Claims through father.
husband James Strickland L
No claim for husband.

Children:
Mary M. Warren 13
 Father Andrew J. " (no Choctaw)
Artie Maud Strickland 9
Luther " 6
Ella Nora " 4

For self and 4 children

Stenographer

Clara M. H.

Choctaw MCR 6082

Myrtie Barkley

See MCR 3518

MCR 6082

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory July 19, 1902.

In the matter of the application of Myrtle Barkley
 for the identification of herself and her four minor children
 Myrtle, Maylor, Louise and Malcolm Barkley as Mixed ppl
 Choctaws.

Myrtle Barkley being first duly sworn testified as fol-
 lows:

Examination by the Commission:

- Q What is your name? A Barkley.
 Q Your given name? A Myrtle.
 Q How old are you? A Thirty years old.
 Q How much Choctaw blood have you? A One eighth.
 Q What is your post office address? A Alexander Texas.
 Q What county in Texas? A Brath County.
 Q How long have you lived in Texas? A I lived in Texas all my
 life.
 Q Is your father living? A No sir.
 Q What was his name? A Carrington.
 Q His given name? A Hubbard.
 Q Is your mother living? A Yes sir.
 Q What's her name? A Amanda Carrington.
 Q Through which one of your parents do you get your Choctaw
 blood? A My mother.
 Q Has she been before this Commission? A Yes sir.
 Q When? A Last September.
 Q Through which one of her parents did she get her Choctaw
 blood? A Her mother.
 Q What was her mother's name? A Brashears.
 Q Her given name? A Nancy Brashears.
 Q Do you know the year in which Nancy was born? A No sir.
 Q Do you know about how old she would be if living now?
 A No sir.
 Q About how old is your mother? A Mama's forty seven.
 Q Do you think your grandmother Nancy Brashears would be as
 much as seventy? If living now? A Yes sir she would be
 older.
 Q Through which one of her parents did Nancy Brashears get her
 Choctaw blood? A Her mother.
 Q What was her mother's name? A I dont know what her mother's
 name was; that's too far back.
 Q Do you know through which one of her parents Nancy's mother
 got her Choctaw blood? A No sir.
 Q Then you don't know the names of any of your Choctaw ancestors
 further back than Nancy Brashears? A No sir.
 Q Was Brashears Nancy's maiden name or her married name?
 A That's her married name.
 Q What was her maiden name? A I dont know.
 Q Do you know where Nancy was born? A No sir.
 Q Where did she live most of her life? A There in Mississippi.
 Q In what county? A I dont know what county.
 Q Do you know how long she lived in Mississippi? A No sir.
 Q What part of her life was she she lived in Mississippi?

Myrtle Barkley--2.

- A I don't know.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I don't know whether she was or not.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A Gorse Barkley.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q How many children have you? A Four.
- Q What are their names and ages the oldest first? A Myrtle Barkley.
- Q How old? A Eight years old.
- Q The next one? A Naylor.
- Q How do you spell that? N-a-y-l-o-r.
- Q How old is Naylor? A Six.
- Q The next one? A Louise.
- Q How old is Louise? A Three.
- Q The next one? A Malcolm.
- Q How old is Malcolm? A Nine months old.
- Q Are these four children living with you now? A Yes sir.
- Q They are the children of yourself and Gorse Barkley? A Yes sir.
- Q This application then is for yourself and four minor children is it? A Yes sir.
- Q Is your name or the names of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
- A I don't know.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court for Indian Territory have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf or in behalf of any of your children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under fourteenth article of the treaty of Dancing Rabbit Creek.
- A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time the treaty was made some of these Indians objected to leaving the old nation and for the benefit of those who preferred to remain there what is

Q Nation in Mississippi
Marble Bluff, Miss.

known as the fourteenth article was put in the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old Nation and not come out west with the other Indians might receive land back there in the old Nation from the government.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A Yes sir
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that fourteenth article? A I don't know whether they did or not.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Yes sir.
- Q What one of your Choctaw ancestors lived there? A Why my grandmother Brashears lived there.
- Q Henry Brashears? A Yes sir.
- Q Do you know whether she owned an improvement there at that time? A No sir.
- Q Do you know whether any of her ancestors owned an improvement there at that time? A No sir.
- Q How old was she in 1830? A Well I can't tell you.
- Q Did any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there become citizens of the states and take land? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838?
- A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did you ever hear of any of your people ever having gotten any land from the government? A No sir.

Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed an agent in the state of Mississippi

Mertie Barkley-- 4.

to register the names of such Choctaws as might desire to remain and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay and become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of those Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A I don't know.

An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I don't know.
- Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q You don't know whether any of them were recognized members of the Choctaw tribe in 1830 or not do you? A No sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts.
- A No sir.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here today to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within fifteen days from this date and their tes-

Myrtle Barkley--5.

timony will be taken or if you should find any written evidence which you desire to offer in support of your application such proper written evidence as may be offered within a period of fifteen days from today will receive the consideration of the Commission.

- Q Are there any further statements you want to make in support of your application? A No sir.
- Q Do you speak or understand the Chectaw language? A Sir.
- Q Do you speak or understand the Chectaw language? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q How many? A Three.
- Q What are their names? A Harrington.
- Q What are their given names? A Sam Harrington, Evans Harrington and Raymond Harrington.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Three.
- Q What are their names? A Jeffie, Rachel.
- Q What they married? A One; my youngest sister, Rachel.
- Q What's her married name? A Johnson.
- Q Have your brothers and sisters been before the Commission? A Yes sir.
- Q Has your mother any brothers living? A Yes sir.
- Q How many? A One.
- Q What's his name? A Jim Evans.
- Q Has he been before the Commission? A Yes sir.
- Q Has your mother any sisters living? A Yes sir.
- Q How many? A Three.
- Q What are their names their married names? A Alice Curtis Lee Whitney and Jennie Richardson.
- Q Has your mother any brothers dead? A Yes sir.
- Q How many? A I don't know how many.
- Q Did any of them leave children? A Yes sir.
- Q How many? A I don't know how many left children.
- Q Has your mother any sisters dead? A No sir.

Special reference is hereby made to M.C.R. 3518 Amanda Garrington; said Amanda Garrington being the mother of this applicant.

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Applicant has the appearance of a white woman; shows no indications of being possessed of Indian blood; she has rather dark hair, brown eyes and rather dark complexion; does not speak or understand the Chectaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of the fourteenth article of the treat of dancing Rabbit Creek.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of July 1902 and that the above is a full true and correct transcript of her stenographic notes in said cause.

Subscribed and sworn to before me this 21st day of July 1902

David L. V. Emerson
Notary Public.

M.C.R. 6022.

Muskogee, Indian Territory, August 27, 1908.

Sam H. Carvington,

805 West Gandy Street,

Denison, Texas.

Dear Sir:

Receipt is hereby acknowledged of the following documents which you offer for filing in support of the application made by Myrtle Barkley for the identification of herself and her minor children as Mississippi Choctaws:

Certificate of J.L. Rappolee, Notary Public,

Certified copy of affidavit of Tobias Edwards,

Certified copy of the affidavit of John Lewis,

Affidavit of John Brashear,

Certified copy of affidavit of J. Leflore,

Certified copy of affidavit of Felicia Goddard,

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY?

M.C.R. 6082

Muskogee, Indian Territory, January 31, 1903.

Myrtle Barkley,

Alexander, Texas.

Dear Madam:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Carrington, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Carrington,	M.C.R. 3518
Myrtle Barkley, et al.,	M.C.R. 6082
Samuel H. Carrington, et al.,	M.C.R. 3516
Evans W. Carrington,	M.C.R. 3542
Jeffie Carrington, et al.,	M.C.R. 3521
Raymond L. Carrington,	M.C.R. 3519
Rachel L. Johnson,	M.C.R. 3520
Alice Evans Curtiss, et al.,	M.C.R. 4046
Lee Evans Whitney, et al.,	M.C.R. 4047

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Carrington, Myrtle Barkley, Myrtle Barkley, Naylor Barkley, Louise Barkley, Malcolm Barkley, Samuel H. Carrington, Davis Carrington, Evans W. Carrington, Jeffie Carrington, Wilma Carrington, Raymond L. Carrington, Rachel L. Johnson, Alice Evans Curtiss, Aline Cur-

tiss, Nathaniel Curtiss, Jr., Evans Curtiss, Eugene Curtiss, Lee Evans Whitney, Curtiss Whitney, Rena W. Whitney, Madeline Whitney, Hazel Whitney and Louise Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof, within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, November 29, 1904.

Myrtie Barkley,

Alexander, Texas.

Dear Madam:

The Secretary of the Interior with his letter of November 18, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Amanda Carrington, et al., of which your application is a part, with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

It appears that the applicants in this case base their claim to identification as Mississippi Choctaws on their descent from Alexander (or Alexandre) Brashears (or Brashear), and Nancy Brashears (or Brashear), nee Middleton, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The Secretary of the Interior in his letter states that the name of Alexander Brashears appears on a "List of Beneficiaries Under Art. 14 of the Treaty of Sept. 27, 1830," which list was prepared by the Indian Office and is now in the possession of the Department.

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of arti-

M. B. B.

ole 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

In accordance with the instructions contained in departmental letter of November 18, 1904, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on January 4, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Registered.

Commissioner in Charge.

MCR-6082.

Muskogee, Indian Territory, October 5, 1906.

Myrtle Barkley,

Alexander, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on July 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of January 31, 1903, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Amanda Carrington et al., of which the application for the identification of yourself and children is a part.

You are further advised that on August 23, 1906, there was filed by Chester Howe, of Washington, D. C., a motion for a review and reconsideration of Departmental decision of July 18, 1906, in the Amanda Carrington case. This motion is now pending before the Department and you will be advised of such action as is taken thereon.

Respectfully,

Acting Commissioner.

MCR-6082

Muskogee, Indian Territory, February 18, 1907.

Myrtle Barkley,
Alexander, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 2, 1907, denied a motion, filed with the Department August 23, 1906, by Chester Howe, of Washington, D. C., for a review of Departmental decision of July 18, 1906, affirming the decision of the Commission to the Five Civilized Tribes of January 31, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Amanda Carrington et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

1917

Name Myrtie Barkley

Age 30 Blood $\frac{1}{8}$

Post-Office, Alexander Tex

Father: Hubbard Carrington

Mother: Amanda "

Claims through mother.

husband.

Gorce Barkley L

No claim for husband.

Self and 4 children

Children:

Myrtle Barkley 8

Naylor " 6

Louise " 3

Malcolm " 9 mo

Stenographer

Clara M Wood.

Choctaw MCR 6083

William C. Neal

See MCR 6107

MCR 6083

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, July 19, / 1902.

In the matter of the application of William Calvin Neal
 for the identification of himself and his minor child Louis
 G. Neal as Mississippi Choctaws.

Louis Calvin Neal being first duly sworn testified as
 follows:

Examined by the Commission:

- Q What is your name? A William Calvin Neal.
 Q How old are you? A Fifty seven.
 Q How much Choctaw blood have you? A One eighth.
 Q What's your post office address? A Gum Springs Arkansas.
 Q What county? A Clark County.
 Q How long have you lived in the state of Arkansas? A I've
 lived there sixteen years; I'll take that back I've lived
 there eighteen years.
 Q Where did you live before that? A I lived three years in
 Texas, before I came to Arkansas.
 Q Where did you live before you came to Texas? A I lived in
 the state of Mississippi all my life until I went to Texas.
 Q What county? A I lived in Choctaw, a portion of my life
 and Attalla a portion of my life.
 Q Is your father married? A No sir.
 Q What was his name? A Stephen P. Neal.
 Q Is your mother living? A No sir.
 Q What was her name? A Her name was Sarah.
 Q Through which one of your parents did you get your Choctaw
 blood? A Mother.
 Q When did your mother die? A She's been dead about six or
 seven years I think; I'll say seven years.
 Q How old was she when she died? A I don't know; I can't tell
 to save my life exactly how old she was; she was getting
 along something like eighty years old, seventy five or
 eighty somewhere along there when she died.
 Q Where was she born? A She was born in Mississippi.
 Q In what county? A In Carroll County.
 Q How long did she live in the state of Mississippi? A She
 lived in the state of Mississippi-- why I reckon sixty or
 sixty five years; somewhere along there; lived there most of
 her life.
 Q Did she have a Choctaw name? A She was a Lindsey.
 Q I want to know whether she had a Choctaw name? A Well I
 don't think I could answer whether she had a Choctaw name
 or not; I could give you her name.
 Q Through which one of her parents did your mother get her
 Choctaw blood? A Her father.
 Q What was his name? A Lindsey.
 Q Given name? A Calvin.
 Q What was your mother's mother named? A Well I can't answer I
 don't believe.
 Q You don't know your grandmother's name on your mother's side
 Calvin Lindsey's wife? A Her name was Betsey.
 Q Well how much Choctaw blood do you claim this man Calvin

Louis Calvin Neal--2.

Lindsay had? A I dont know what to claim his.

Q Did you ever see him? A Never saw him in my life.

Q He was born in Mississippi was he? A My grandfather.

Q Yes, A I dont know.

Q Through which one of his parents did he get his Choctaw blood? A I cant tell you that.

Q You dont know the names of any of your Choctaw ancestors further back than your grandfather? A My grandfather is as far back as I can go.

Q Do you know whether your mother's father and mother were lawfully married? A No sir I dont.

Q How many children were born to them? A Grandfather.

Q Yes grandfather and grandmother - now the question is how many children were born to your mother's father and mother, tell us about it? A That would be my uncles and sunts on my mother's side; five is as many as I know anything about; if there was any more I dont know anything about it. Five is as many as I know.

Q You are sure that your mother got her Choctaw blood thorough her father are you? A Yes sir.

It will be necessary that you furnish the Commission with evidence of the marriage of your mother's father and mother and you will be allowed a period of fifteen days from this day in which to introduce evidence on this point.

Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not that I know anything of.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q What's her name? A Elizabeth.

Q Has she any Choctaw blood? A None.

Q You make no application for her then? A None.

Q Have you any children living who are under twenty-one years of age and unmarried? A One.

Q What's that child named? A Louis G. Neal.

Q Is that a boy or girl? A Boy.

Q How old? A Fourteen.

Q Is he living with you at this time? A Yes sir.

Q Is he the child of yourself and Elizabeth Neal?

A Yes sir.

Q Have you any children of age? A Yes sir. I have three more.

Q Give us their names? A Sally McAnally, Olif Fields.

Q The next one? A I went too far; I have one daughter of age, aint married; her name's Mary Neal; she's at home with me but she's of age.

Q That's all your children you have living? A Yes sir.

Q Have you any children dead who left children? A Yes sir I have one.

Q What's that child named? A Her name was Anna Davis. She left two children.

Q What are their names? A Well now she's not been dead a great while and they were in Texas, and the baby, I cant give it's name; the alder one is Allen but I cant give you the baby.

Q With whom do these children live? A Their father, Davis who married my daughter.

Louis Calvin Neal--3.

- Q Well what's his name? A Millard Davis.
Q Have you been married more than once? A Never.
Q Were you married to your wife under a license? A Yes sir.
Q When? A In sixty five.
Q Where? A In the state of Mississippi.
Q What county? A Attalla County.
Q Who married you? A Jonathan Neal.
Q What official position did he hold at that time? A He was a minister of the Campbell or Christian Church.
Q Have you your license and certificate with you at this time?
A I have not.

It will be necessary that you furnish the Commission with evidence of the marriage of yourself and wife, Elizabeth; this evidence should be furnished within a period of fifteen days from today.

- Q This application is for yourself and one child is it?
A Yes sir.
Q Is your name or the name of this child to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or this child to be admitted or enrolled as members of the Choctaw tribe?
A No sir.
Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or this minor child? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in Indian Territory for your self and minor child under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You have never made any application of any kind for either of you before today? A No sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United states and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country then occupied by them to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time this treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the state and not move out west to the new country might receive land back there in Mississippi and Alabama from the government.

It is as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she

Louis Calvin Neal--2

shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q Do you understand that fourteenth article? A Yes sir I understand it.
- Q Did any of your ancestors ever comply with or attempt to comply with its provisions or ever receive any benefits under that article? A No sir; none that I ever knew any thing about.
- Q Do you know whether any of them lived in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A They lived there yes sir at that time.
- Q Who of your ancestors lived there at that time? A My grandmother and grandfather lived there at that time.
- Q Calvin Lindsey and Betsey Lindsey. A Yes sir.
- Q They were married at that time were they not? A Yes sir.
- Q Betsey had no Choctaw blood? A No sir; none that I know of.
- Q Do you know whether they owned an improvement there at the time this treaty was made? A No sir I cant tell about that.
- Q Do you know whether any of your Choctaw ancestors within six months after this treaty was made let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi and become citizens of the states and take land? A A No I dont know.
- Q Do you know whether any of them removed to the Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1837 and 1838? A I dont think they did.
- Q Do you know whether any of them ever claimed or received any land in Mississippi from the government under article fourteen of the treaty of Dancing Rabbit Creek? A No sir if they ever did I never had any knowledge of it.
- Q You never heard then of any of your people ever getting any benefits as Choctaw Indians? A No sir none at all.
- Q Do you know whether any of them were recognized members of the tribe in Mississippi at the time this treaty was made?
- A No sir I dont know that of course.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as

might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi between the years 1837 and 1845 and heard a great many of those Choctaw cases.

Q Do you know whether any of your ancestors appeared before any of those Commissioners and attempted to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; those certificates were called scrip; did any of your ancestors ever receive any of this scrip from the government under that act of Congress?

A None that I know of.

Q None of your ancestors ever received any benefits as Choctaws? A Not as far as I know; never received anything at all.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder. A No sir I cant say that I do. The old ones

have about all passed away.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A None.

Q Have you any written evidence to offer at this time in support of your application? A No.

Q Have you any witnesses here today to testify in your behalf?

A Only these brothers who have just made application.

Q Have you any witnesses here to testify in your case? A No sir

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskegee within a period of fifteen days from today and their testimony will be taken or if you should find any written evidence of any description which you desire to offer in support of this application such proper written evidence as may be offered within fifteen days from

Louis Calvin Neal--6.

today will be received and considered in your case.

- Q Are there any further statements you desire to make at this time in support of your application? A None.
- Q How many brothers have you Mr Neal? A I have four living.
- Q Give us their names please? A Jefferson Neal, Pinkney G. Neal.
- Q The next one? A Allen M. Neal and Tolliver L. Neal.
- Q Have you any brothers dead Mr Neal? A Yes sir.
- Q How many? A Two.
- Q Did either of the leave children? A Yes sir both of them.
- Q What's the name of the oldest one of your brothers who left children? A Franklin J. Neal.
- Q How many children did he leave? A I cant tell you; he lived way down in Texas; I dont know how many
- Q Do you know the names of any of them? A No sir I dont know the name of nary one of the children.
- Q What's the next one of your deceased brothers who left children? A Sydney J.
- Q Do you know how many children he left? A No sir I dont know how many children he left; they are way in west Texas.
- Q Do you know the names of any of them? A No sir.
- Q Have you any sisters? living? A Yessir.
- Q How many? A I have three.
- Q What are their names? A Fannie. I cant tell her married name; she married in west Texas; I cant tell who she married.
- Q The next sister? A Neicie Jane.
- Q Is she married? A She's married.
- Q Do you know her married name? A She married a Hibbard.
- Q The next sister? A Georgia A.
- Q Is she married? A Married.
- Q Do you know her married name? A Yes sir; Mangrum.
- Q Have you any sisters dead? A I have one.
- Q Did she leave children? A She left children but I dont know how many; they are all way back in west Texas; I dont know.
- Q What was the name of this sister? A Fannie.
- Q What was her married name? A I cant tell you that.
- Q Has your mother any brothers or sisters living? A No sir all dead.
- Q How many brothers did your mother have? A But one.
- Q What was his name? A Calvin Lindsey.
- Q Did he leave children? A Yes sir.
- Q Are any of his children living? A I suppose there's some of them living but they are way back in Mississippi and I dont know how many's living nor which one's are living nor anything about it.
- Q What are the names of his children? A I cant tell all the names.
- Q Give us the names of as many as you remember. A William, Calvin, John, Mollie; that's all I can give; I dont know as to the children of my mother's sisters; they was living in the north part of Mississippi; I cant give you the names of them.
- Q How many sisters did your mother have? A She had three.
- Q What are their names, give their married names? A One was named Louisa.
- Q Louisa what? A Louisa Shaw.
- Q The next one? A Vina Milton. I spoke too fast; there wasnt three sisters; mother comes in next; there was two sisters.
- Q You cant give the names of any of the children of your mother's deceased sisters? A No they are too far off from

Louis Calvin Neal--7.

Re.

- Q Do you speak or understand the Choctaw language? A I don't understand it enough to say that I do.
Q You are a full brother to Allen M. Neal who lives at Center Indian Territory are you? A Yes sir.

Reference is hereby made to M.C.R. 5538 Allan M. Neal et al., the principal applicant in said case and the principal applicant in this case being full brothers.

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This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood although he has very dark complexion rather prominent cheek bones; his hair which is now gray shows traces of once having been black; he has black eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30 day of July 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 2, 1902.

William C. Neal,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd ultimo, in which you state you are a Mississippi Choctaw; that there seems to be some doubt in regard to your holding land, and you ask the Commission to advise you in the matter.

In reply to your letter you are informed it appears from our records that you are an applicant for the identification of yourself and minor child as Mississippi Choctaws.

No opinion or decision has yet been reached in your case.

As soon as a decision is rendered you will be notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

At the present time yourself and child occupy the status of applicants for identification as Mississippi Choctaws, whose rights to such identification have in no manner been determined.

Relative to your holding land in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

W.C.H.-----2.

"41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission as Mississippi Choctaws entitled to allotment, and that yourself and child are not at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Very respectfully,

Acting Chairman.

H.O.B. 6083

Muskogee, Indian Territory, November 29, 1902.

J. W. Wisdom,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you ask if William Calvin Neal, who claims to be a Mississippi Choctaw, is recognized as such and whether "his proof is sufficient."

In reply you are informed that it appears from the records of the Commission that William Calvin Neal, fifty-seven years of age, residence Gum Springs, Arkansas, is an applicant for the identification of himself and his minor child, Louis G. Neal, as Mississippi Choctaws.

No opinion or decision has yet been reached in his case, but the Commission is now considering his application and it is probable that in the near future a decision will be rendered, when he will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

The applicants in this case occupy the status of applicants for identification as Mississippi Choctaws, whose rights to

J.W.W.-----2.

such identification have in no manner been determined.

Respectfully,

Acting Chairman.

N.C.R. 6083.

Muskogee, Indian Territory, December 8, 1902.

William G. Neal,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., advising change of your post office address to Center, Indian Territory.

The same has been made a matter of record.

Respectfully,

Acting Chairman.

M. C. R. 6083

Muskogee, Indian Territory, December 17, 1908.

T. C. Willard,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask to be advised of the present status of the Mississippi Choctaw case of W. C. Neal.

In reply, you are advised that it appears from the records of the Commission that William C. Neal, 57 years of age, present post office address Center, Indian Territory, is an applicant for the identification of himself and his minor child as Mississippi Choctaws.

No opinion or decision has yet been reached in this case. The Commission is now considering his application, and it is probable a decision will be rendered in the near future. He will be notified of the action of the Commission, and of the forwarding of the record to the secretary of the Interior.

Respectfully,

Acting Chairman.

M C R 4318
M C R 6083

Mankegee, Indian Territory, March 3, 1903.

Mr. Beck,

Roff, Indian Territory.

My Madam:

Receipt is hereby acknowledged of your letter of the 24th
inst., in which you ask to be advised if Willy Neal, who claims to
be a Mississippi Choctaw, is a legal citizen of the Choctaw Nation.
I state that you desire to sell him your claim.

In reply to your letter you are informed that it does not
appear from the records of the Commission that any person by the
name of Willy Neal is listed for enrollment as ~~either~~ a citizen or
member of either the Choctaw or Chickasaw Nation, or as an appli-
cant for identification as a Mississippi Choctaw.

Our records do show, however, that William C. Neal, fif-
teen years of age, present post office address Center, Indian
Territory, is an applicant for the identification of himself and
minor son Louis G. Neal as Mississippi Choctaws.

If the person named in this application is identical with
the person about whom you inquire, you are advised that the Commis-
sion has not up to the present time reached any opinion or decision
relative to his right to be identified as such Mississippi Choctaw,
but is now considering his application and it is probable a de-
cision will be rendered in the near future. He will be duly noti-

M B 2

fied of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to the right of Mississippi Choctaw claimants to hold land in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations, September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that William C. Neal and his minor son are at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

COPY.

M.C.R. 6083.

Muskogee, Indian Territory, November 19, 1903.

William Calvin Neal,

Center, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6616
Mary Frances Neal,	M.C.R. 6617.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

William Calvin Neal, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elense Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa M. Neal, Ira G. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Jennie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Cassey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allen H. West and Mary Frances Neal, as Choctaw Indians entitled terights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dinty.
Chairman

Registered.

M C R 6063

Muskogee, Indian Territory, January 26, 1904.

William Calvin Neal,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you state that you have bought and paid for a farm and now a non-citizen is trying to take part of it. You ask to be advised in regard to the matter.

In reply you are informed that on December 17, 1903, the record in your case, together with the decision of the Commission refusing your application, was forwarded to the Secretary of the Interior, and pending action thereon by him it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

You are further advised that the Commission cannot advise you relative to any controversies between yourself and non-citizens over the possession of land, as this is a matter which does not come within its jurisdiction.

Respectfully,

Commissioner in Charge.

M.C.R. 6083
COPY

Muskogee, Indian Territory, February 17, 1904.

William C. Neal,
Gum Springs, Arkansas,

Dear Sir:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,

(SIGNED)

T. D. Needles,
Commissioner in Charge.

M. C. R. 6083
Choctaw 5214

Muskogee, Indian Territory, February 24, 1904.

J. M. Perry,

Ada, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 9 asking the status of the enrollment of William Calvin Neal, his daughter, Sallie B. McNelly and Samuel Askew.

In reply to your letter you are advised that it appears from our records that Sam Askew was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, December 21, 1897, in court case, citizenship docket, number 71.

It further appears from our records that William C. Neal was an applicant to this Commission for the identification of himself and his son, Louis G. Neal, as Mississippi Choctaws, which application has been refused by the Commission and the decision affirmed by the Secretary of the Interior.

It does not appear from our records that Sallie B. McNelly is an applicant to this Commission either for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw under that name.

Respectfully,

Commissioner in Charge.

MCR-6083

Muskogee, Indian Territory, October 1, 1906.

William G. Neal,

Tyrola, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 19th instant relative to your right to identification as a Mississippi Choctaw. Therewith you enclose a plat of certain land which you desire to have set aside as your prospective allotment.

In reply to your letter you are advised that it appears that you are one of the applicants in the consolidated Mississippi Choctaw case of Pinkney G. Neal et al, in which case the Secretary of the Interior, on January 28, 1904, affirmed the decision of the Commission to the Five Civilized Tribes of November 19, 1903, adverse to the applicants.

Inasmuch as there does not appear to be now pending any motion for a review or reconsideration of this case the Department's action of January 28, 1904, is considered final, and none of the applicants in the said consolidated case will be allowed to designate prospective allotments.

The plat, enclosed by you, is herewith returned.

Respectfully,

WLM.
Encl. 1/1

Commissioner.

No. 6083

For Identification as a Mississippi Choctaw.

Date

JUL 19 1907

Name

William C. Neal.

Age

57

Blood

1/8

Post-Office.

Now Center, D. T.
Gum Springs, Ark.

Father:

Stephen P. Neal d

Mother:

Sarah " d

Claims through mother.

wife Elizabeth Neal L

No claim for wife.

Children:

~~Louis G~~

Louis G Neal m 14

or self as one child

Stenographer

Clara M. Wood

Choctaw MCR 6084

Almer C. Marcum

See MCR 6107

MCR 6084

Department of the Interior.
Commission to the Five Civilized Tribes.
Musk gee, Indian Territory, July 19, 1902.

In the matter of the application of Almer C. Maroum
for the identification of herself and her minor child Myrtle
L. Maroum as Mississippi Choctaws.

Almer C. Maroum being first duly sworn testified as follows:

Examination by the Commission:

- Q What's your name? A Almer C. Maroum.
Q How old are you? A Eighteen.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your post office address? A Rush Springs I.T.
Q How long have you lived in the Indian Territory? A Twelve years.
Q Where did you live before you came to the Indian Territory?
A Texas.
Q How long? A Six years.
Q Is your father living? A Yes sir.
Q What's his name? A Tolliver L. Neal.
Q Is your mother living? A Yes sir.
Q What's her name? A Josephine Neal.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Is your father's name Tolliver or Oliver? A Tolliver.
Q Where does he live? A Center; Behee is his post office.
Q Have you a brother by the name of Allen Homer? A Yes sir.
Q And a sister Jessie Isabelle? A Yes sir.
Q A brother Lucas L. A Yes sir.
Q A sister Florence? A Yes sir.
Q Are you your father's oldest child? A Yes sir; there's one dead older than me.
Q Are your father and mother living together now? A Yes sir.
Q Do you know whether they were married under a license?
A Yes sir.

It will be necessary that this commission be furnished with proper evidence of the marriage of your father and mother; you will be allowed a period of fifteen days within which to offer evidence on this point; the best evidence is their marriage license and certificate; the next best is a certified copy.

- Q Through which one of his parents did your father get his Choctaw blood? A His mother.
Q What was her name? A Lindsey.
Q Her given name? A I don't know.
Q What was your father's father name? A I don't know that.
Q Are you acquainted with William C. Neal? A Yes sir; but today is the first time I ever saw him since I was a little child.
Q You have heard of your father having a brother by the name of William C. Neal have you? A Yes sir.

Almer C. Marcum. 2

- Q You dont know the names of any of your Choctaw ancestors further back than your father? A No sir.
- Q Did your father appear before the Commission here at Muskogee on the 10th day of May this year and make application for the identification of himself and children as Mississippi Choctaws? A I didn't understand you.
- Q Did your father appear before the Commission here at Muskogee on May 10 this year and make application for the identification of himself and minor children as Mississippi Choctaws? A I dont know.
- Q Had'nd you heard that he had been here? A I've heard him say it; that's all I know; just what he said.
- Q Do you know whether your father has ever been recognized in any manner or enrolled as a member of the Choctaw tribe in Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A Thomas M. Marcum.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A One.
- Q What's that child named? A Myrtle L. Marcum.
- Q How old is she? A Two years old.
- Q The child of yourself and Thomas M. Marcum? A Yes sir.
- Q This application is for yourself and one minor child? A Yes sir.
- Q Is your name to be found upon any of the Choctaw tribal rolls in Indian territory? A I dont know.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of the Choctaw tribe? A No sir.
- Q Did anyone else ever make an application for you to your knowledge? A No sir.
- Q Did anyone in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for you under the act of Congress approved June 10, 1896? A Not that I know of.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time this treaty was

made some of the Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain there in the old nation and not move out west to the new country might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectionallines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that article or ever receive any benefits thereunder? A Not that I know of.
- Q Did any of them own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Not that I know of.
- Q Did any of them live there at that time to your knowledge? A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A No sir not that I know of.
- Q Did any of them remove to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1837 and 1838? A Not that I know of.
- Q Did any of them ever claim or receive any land from the government of the United States under that fourteenth article of the treaty of Dancing Rabbit Creek.
- A No sir not that I know of.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a good many Choctaws who did in fact let him know that they wanted to stay and become citizens of the

states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1833 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek.
A Not that I know of.

An act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? A Not that I know of.
Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir.
Q You don't know whether any of them were recognized members of that tribe in 1830 or not? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts?
A No sir.
Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
Q Any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from today and their testimony will be taken; or if you should desire to offer any written evidence such proper written evidence as may be presented by you within fifteen days from today will receive the consideration of the Commission in connection with your application.

Almer C. Marcus--8.

- Q Are there any further statements you want to make in support of your application? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.

Reference is hereby made to M.C.R. 3339 Oliver L. Neal et al the principal applicant in said case being the father of the principal applicant in this case.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; hair is brown, rather fair complexion, blue eyes; does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 20th day of July 1902

Jay L. Emerson
Notary Public.

Muskogee, Indian Territory, November 28, 1902.

Oliver L. Neal,

Beebe, Indian Territory.

Dear Sir:-

It appears from the records of the Commission that on May 10, 1902, you made application before this Commission for the identification of yourself and your six minor children as Mississippi Choctaws, and at that time stated that your name was Oliver L. Neal. It further appears from the records of the Commission that on July 19, 1902, application was made by Almer C. Marcum for identification as a Mississippi Choctaw, in which application she claimed to be the daughter of Tolliver L. Neal, a resident of Beebe, Indian Territory, and stated that her said father had, prior to that time, made an application for identification as a Mississippi Choctaw, and asked that his testimony be considered in her application.

As the records of the Commission do not show an application made by a person named Tolliver L. Neal, and as your name is similar to that and your postoffice corresponds with the one given by the applicant Almer C. Marcum for her father, it is presumed that you are her father, and in order that the records in these

Iver L. Neal-----2

two cases may be corrected, in the event that an error has been made in your name, it is desired that you answer the questions in the enclosed affidavit, go before a Notary and swear to same, and return it to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, within fifteen days from this date.

There is also enclosed you an addressed envelope in which you can return the affidavit, without payment of postage.

Respectfully,

Acting Chairman

Enclosure
O.R. 155

COPY:

M.C.R. 6084.

Muskegee, Indian Territory, November 19, 1903.

Almer C. Marcus,

Rush Springs, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Marcus, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John F. Neal, et al.,	M.C.R. 6445
Sallie B. McMally, et al.,	M.C.R. 6618
Mary Frances Neal,	M.C.R. 6617

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Almer C. Marcum, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Etta M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Shary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary N. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled torrights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Sam D. Dixie.
Chairman.

Registered.

M C R 6084

Huskogee, Indian Territory, December 28, 1903.

Almer C. Maroun,
Purcell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, wherein you ask the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that on November 19, 1903, the Commission rendered a decision refusing the several applications included in the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., of which the application made by you for the identification of yourself and minor child is a part, and of which action you were duly notified at Rush Springs, Indian Territory, your last known post office address.

The record in said consolidated case, together with the decision of the Commission, was on December 17, 1903, forwarded to the Secretary of the Interior. You will be duly notified of any departmental action taken in this case.

Respectfully,

Chairman.

W.C.B.

COMMISSIONERS:

TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6084

ALLISON L. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, February 17, 1904.

Almer C. Harcum,
Rush Springs, Indian Territory,

Dear Madam:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,



Commissioner in Charge.

M.C.R. 6084.

Muskogee, Indian Territory, September 26, 1906.

Almer C. Marcum,

Beebe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 16, 1906, in which you request that certain lands be set aside as your prospective allotment as a Mississippi Choctaw.

It appears from the records of this office that you are one of the parties applicant in the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., in which case the Secretary of the Interior on January 28, 1904, affirmed the adverse decision of the Commission to the Five Civilized Tribes of November 19, 1903.

It does not appear from the records of this office that any motion for review or reconsideration in this case is now pending, and as the time within which such motions could be filed expired June 25, 1906, the Department's action of January 28, 1904, is considered final. Therefore, none of the persons included in said consolidated case will be permitted to designate any lands as their prospective allotments in the Choctaw or Chickasaw Nations.

Respectfully,

Commissioner.

No. 6084

For Identification as a Mississippi Choctaw.

Date

JUL 19 1907

Name *Ulmer C. Marcum*

Age *18*

Blood

1/16

Post-Office, *Rush Springs, Ok.*

Father: *Jolliver L. Neal* L

Mother: *Josephine* " L

Claims through *father*
husband
Thomas M. Marcum L

No claim for husband

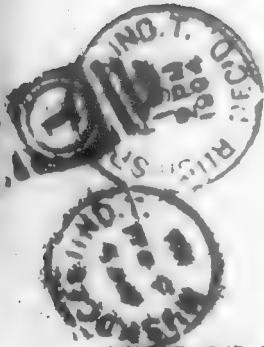
Children:

Myrtle L. Marcum 2

Self and one child.

Stenographer

Clara M. Hood.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

APR 6 1904

COMMISSION

General Office

W. C. R.

6084

Advising that the Secretary of the Interior has affirmed Commission decision, refusing application for identification as a Mississippi Choctaw.

Attest: *[Signature]*
Rush Springs, Ind.



Permit for private use, \$3.00.

OFFICIAL BUSINESS

MUSKOGEE, IND. TER.

Department of the Interior.

Commission to the Five Civilized Tribes.

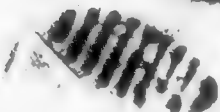
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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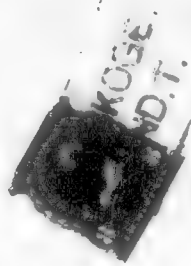
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11575

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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

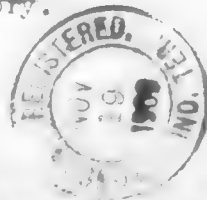
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Almer G. Marcum
118

Almer G. Marcum,

Rush Springs, Indian Territory.



Return to Walter McClanahan

Choctaw MCR 6085

Mary E. Moore

MCR 6085

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary E. Moore,
for identification as a Mississippi Choctaw, M. C. R. 5085.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Mary E. Moore.

	Page.
Original application of Mary E. Moore, to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,.....	1
Affidavit of John Goodall,.....	7
Affidavit of Charles Goodall,.....	8
Affidavit of R. Goodall,.....	10
Decision of the Commission to the five Civilized Tribes, refusing the application for identification as a Mississippi Choctaw, of Mary E. Moore,.....	11

6085.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory July 19, 1908.

In the matter of the application of Mary E. Moore for
identification as a Mississippi Choctaw.

Mary E. Moore being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Moore.
Q How old are you? A Thirty six.
Q How much Choctaw blood have you? A One eighth.
Q What is your post office address? A Iona Chickasaw.
Q How long have you lived in the Indian territory?
A Since the second day of April.
Q This year? A Yes sir.
Q Where did you live before that? A Jonesborough Union County
Illinois.
Q How long did you live in Illinois? A I was partly raised
there. I was raised there until I was ten years of age and
went to Missouri.
Q How long did you stay there? A Four or five years. Then
Q Then went back to Illinois? A Then went to Texas.
Q You lived in Texas then until you came to the Indian Terri-
tory? A No sir.
Q Where else did you live? A Iowa.
Q Any place else? A Kentucky.
Q Any place else? A Tennessee.
Q Where else? A Indiana.
Q Where else? A West Virginia.
Q Where else? A Back to Illinois; from Illinois here.
Q Is your father living? A No sir.
Q What was his name? A James R. Mameen.
Q Is your mother living? A Yes sir.
Q What's her name? A Jane Goodall.
Q Through which one of your parents do you get your Choctaw
blood? A Mother.
Q How was Goodall her maiden name? A Yes sir.
Q About how old is Jane Goodall? A She's sixty seven years
old the seventh day of last February.
Q Where was she born? A I think she was born in Tennessee.
Wilson County Tennessee.
Q Did she ever live in Mississippi? A I don't think so.
Q Through which one of her parents did she get her Choctaw
blood? A Her mother.
Q What was her name? A Betsey Phelps.
Q Was that her maiden name? A Yes sir; she married William
Goodall.
Q Did your mother ever have any brothers or sisters older
than she? A Yes sir.
Q How many? A Charles Goodall.
Q Tell me how many? A Three brothers older -- three -- three
or four sisters older I forget which; she has three sisters
older than her that I know of.
Q Do you know where Betsey Phelps was born? A In Mississippi
Q What county? A I can't tell you.

Mary E. Moore--B.

- Q How long did she live in Mississippi after her birth?
A I cant tell you that either.
- Q How long had she lived up there in Tennessee prior to your mother's birth? A I cant tell you that either.
- Q Do you know whether Betsey was living when she married?
A I dont know whether she was living over in Tennessee or not.
- Q You dont know where she was living when she married? A No.
- Q Do you know where she lived for a period of say five years before your mother's birth? A No I dont know anything about that.
- Q Through which one of her parents did Betsey get her Choctaw blood? A Her mother.
- Q What was her mother's name? A I'm not sure of that.
- Q Her mother was a full blood wasn't she? A Yes sir; that's what they claimed.
- Q Did you ever see Betsey Phelps? A No sir.
- Q Did she have a Choctaw name? A I dont know.
- Q What was Betsey's father named? A I'm not sure; I dont know whether it's Jack or not. I'm not sure.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir not that I know of.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A James Moore.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children living? A No sir.
- Q This application then is for yourself only? A Yes sir.
- Q Is your name on any of the tribal rolls in Indian Territory?
A Sir?
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir; not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities the Dawes Commission or the United States Court have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q Has any application of any kind ever been made before today for you? A Yes sir.
- Q Where? A I dont know whether there has or not.
- Q Did you ever authorize anyone to make application to this Commission in your behalf for the purpose of establishing your rights? A Did I do what?
- Q Did you ever ask anyone else to make application for you?
A Mr Moore.
- Q Your husband? A Yes sir.
- Q He never appeared before the Commission personally in your behalf. A No sir.
- Q Has anyone else ever appeared before the Commission personally for you? A Not that I know of.
- Q This is the first application of any kind that has ever been made for you for the purpose of establishing your rights as a Choctaw Indian? A Yes sir.

Mary E. Moore--3.

- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; at the time this treaty was made some of those Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who preferred to remain there in the old nation and not move out west to the new country might receive land back there.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become citizens of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that fourteenth article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A Yes sir.
Q Did any of them own an improvement on what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
Q Did any of them live there at that time to your knowledge? A I don't know.
Q Did any of them within six months after this treaty of Dancing Rabbit was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay there and become citizens of the states and take land? A I don't know whether they did or not.

Mary E. Moore--4.

- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir.
- Q Did any of them ever claim or receive any land in Mississippi from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did you ever hear of any of your ancestors having gotten any land from the government under the treaty of Dancing Rabbit Creek? A No.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay in Mississippi become citizens of the states and take land and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President and they went to Mississippi between the years 1837 and 1842 and heard a great many of those cases.

- Q Did any of your ancestors appear before these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek. A I don't know.

An Act of Congress approved August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government to your knowledge? A Not that I know of.
- Q So far as you know then none of your Choctaw ancestors ever received any benefits whatever as Choctaws? A Not that I know of.
- Q You don't know whether any of them were recognized

Mary E. Moore--5.

- members of the Choctaw tribe in 1830 or not? A No.
- Q Do you know of any old persons who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I think Uncle Charles Goodall.
- Q Where does he live? A Two miles and a half from Iena.
- Q If you think that he does know about it you can have him come up here within a period of fifteen days.
- A He's too old and feeble; he couldn't come.
- Q How old is he? A He's seventy seven.
- Q Well, under the rules and regulations of the Commission if he is absolutely unable to get here----
- A And then his wife is not expected to live; has been sick a long time.
- Q If he's not able to get here, under the rules and regulations of the Commission, on account of his being too old and feeble, his deposition may be taken.
- Q Do you know of anyone else who would know about it? A I can furnish all the evidence needed.
- Q You think you can find people who know about that do you?
- A Yes sir.

You will be given a period of fifteen days from today in which to introduce evidence on this point, either verbal or written evidence.

- Q Are there any further statements you want to make in support of your application? A No.
- Q You don't speak or understand the Choctaw language do you?
- A No sir.
- Q Have you any brothers living? A I have three.
- Q What are their names? A Monroe Maness, Charles Maness, and Fred Maness.
- Q Have they appeared before the Commission as applicants?
- A No sir.
- Q Where do they live? A The last account I had of them they were living in Illinois.
- Q Have you any sisters living? A No sir.
- Q Did you ever have any sisters? A One.
- Q Did she leave children? A She died when she was a baby.
- Q Have you any deceased brothers? A Seven.
- Q Did any of them leave children? A None of them was married when they died.
- Q Now has your mother any brothers living? A Charles Goodall.
- Q The same Charles Goodall to whom you have just referred in your testimony? A Yes sir.
- Q Has your mother any sisters living? A One.
- Q What's that sister's name? A Elizabeth Sinka.
- Q Where does she live? A In Williamson County Illinois.
- Q She never appeared before the Commission? A No sir.
- Q Is ~~the~~ Charles Goodall a citizen of the Choctaw Nation?
- A Yes sir; that's what he claims.
- Q How did he get his citizenship down there? A I don't understand it enough to tell you.
- Q Did you ever hear he was admitted by judgment of the United States court for the Southern District of the Indian Territory? A Yes sir.
- Q Has he any children living? A Yes sir.
- Q How many? A I don't know how many he's got - seven.
- Q Give us the names of some of them? A William Goodall,

Mary E Moore--6.

Richard Goodall, John Goodall, Jane Goodall.
Q Is she married? A Yes sir.
Q What's her married name? A Osborn.
Q The next one? A Amanda Hill, Harriett Hill.
Q The next one? A That's all.
Q These people were all admitted by judgment of the United States Court under the act of June 10, 1896 were they?
A I don't know

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This applicant has the appearance of being a white woman; shows no particular indication of being possessed of Indian blood except she has black hair, rather dark eyes, dark complexion, rather prominent cheek bones; she does not speak or understand the Choctaw language and has no knowledge of compliance on part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 30th day of July 1902.

Guy L. V. Emerson
Notary Public.

14
COPY.

off
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Mary E. Moore,
for identification as a Mississippi Choctaw, N. C. R. 8088.

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--: D E C I S I O N :--

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Mary E. Moore, for herself, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in

the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Betsey Goodall (nee Phelps) who is alleged to have been a full blood Choctaw Indian and to have lived in Mississippi in eighteen hundred and thirty.

It appears from the evidence submitted by the applicant that the said Betsey Goodall (nee Phelps) was related to "the Indian Lucas family and to the Bryant family", but said relationship cannot be traced in such a manner as to indicate who was a more remote Choctaw ancestor of the applicant than the person above mentioned.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Betsey Goodall (nee Phelps) or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to

comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Moore as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Dixby.

Acting Chairman

I. B. Needles.

Commissioner

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

FEB 3 1903

M.C.R. 8088

Muskogee, Indian Territory, August 2, 1902.

Mary E. Moore,

Jena, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th inst., from Davis, Indian Territory, enclosing the affidavits of Charles, Richard and John Goodall, which you offer for filing in support of your application for identification as a Mississippi Choctaw. You ask to be allowed thirty days additional time within which to secure further testimony in support of your claim.

In reply you are advised that you will be allowed until Saturday, August 30, 1902, to secure additional testimony in support of your application for identification as a Mississippi Choctaw.

The several affidavits have been filed with the record in your case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 2, 1902.

Mary E. Moore,

Iona, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th inst., from Davis, Indian Territory, enclosing the affidavits of Charles, Richard and John Goodall, which you offer for filing in support of your application for identification as a Mississippi Choctaw. You ask to be allowed thirty days additional time within which to secure further testimony in support of your claim.

In reply you are advised that you will be allowed until Saturday, August 30, 1902, to secure additional testimony in support of your application for identification as a Mississippi Choctaw.

The several affidavits have been filed with the record in your case.

Yours truly,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 3, 1903.

Manfield, McMurray & Cernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary E. Moore, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Moore as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixey.

Acting Chairman.

COPY.

M.C.R. 6086.

Muskogee, Indian Territory, February 3, 1903.

Mary E. Moore,

Iona, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary E. Moore, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Moore as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together

M. E. M. # 2.

with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Jane Bixby

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary E. Moore, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of February 3, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6085

Land.
12795-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 18, 1903.

The Honorable

The Secretary of the Interior

Sir:

There is enclosed herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated February 19, 1903, forwarding, for the Department's consideration, the record relative to the application of Mary E. Moore, for identification as a Mississippi Choctaw.

February 3, 1903, the Commission held that the applicant was not entitled to identification.

Mary E. Moore claims descent from Betsy Goodale, nee Phelps, who, it is alleged, was her grandmother.

The record of this office do not show that Betsey Phelps, or Goodale, complied, or attempted to comply, with the provisions of the fourteenth article of the treaty of 1830, or with the provisions of the acts of March 3, 1837 and August 23, 1842.

It is therefore recommended that the decision of the Commission, adverse to the applicant, be approved.

Very respectfully,

GAW-O.

Acting Commissioner.

D.C. 10337-1903.
I.T.D. 3094-1903.
L.R.S.

C O P Y.
E.A.F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

April 8, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 19, 1903, you transmitted the record in the matter of the application for identification of Mary E. Moore as a Mississippi Choctaw, including your decision of February 3, 1903, refusing the application.

The applicant claims to be a descendant of one Betsey Goodall (nee Phelps), alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicant was ever admitted to Choctaw citizenship or was enrolled as a citizen of the Choctaw Nation, or that said Betsey Goodall, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting March 18, recommends approval of your decision. A copy of

-2-

his letter is inclosed herewith.

The Department finds no reason to modify your decision and it is hereby affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Chectaw of Mary E. Moore, of which decision you were advised by mail on the 3rd day of February, 1903.

Respectfully,

Tamo Dixby.

Chairman.

M.C.R. 6088.

COPY.

Muskegee, Indian Territory, April 23, 1903.

Mary E. Moore,

Iona, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail, on the 3rd day of February, 1903.

Respectfully,

Jame Birby
Chairman.

Muskogee, I.T. May 12, 1903/

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in each of the following Mississippi Choctaw
cases:

Mary E. Moore,
Andrew J. Weemaek,
Annie C. Jones,
Amanda E. Wampler,
Sarah Pearl Snyder,

M.C.R. 6085 ✓
M.C.R. 6606
M.C.R. 6784
M.C.R. 7056
M.C.R. 7364

MANSFIELD? MCMURRAY & CORNISH.



For Identification as a Mississippi Choctaw.

Date

Jul 10 1897

Name Mary E. Moore

Age 36 Blood $\frac{1}{8}$

Post-Office. Tona, I. T.

Father: James R. Mañees d

Mother: Jane Goodall L

Claims through mother.

husband

James Moore L

No claim for husband.

Children:

Jr

Stenographer

Clara M. L. L.

Choctaw MCR 6086

Sam Hulsey

See MCR 6060

MCR 6086

Department of the Interior.
Commission to the Five Civilized Tribes.
Washburn, I. T., July 21st, 1902.

4022

In the matter of the application of Sam Halsey for the identification of himself and his two minor children, both Sam Halsey, Jr. and Carrie Halsey, as Mississippi Choctaws.

No attorney.

Sam Halsey, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sam Halsey.
Q How old are you Mr. Halsey? A I am about forty-two.
Q How much Choctaw blood have you? A About an eighth.
Q What is your post office address? A Coalate.
Q How long have you lived in Indian Territory? A Somewhere along about twenty-seven or twenty-eight years.
Q Where did you live before that? A Arkansas.
Q Lived in Arkansas the remainder of your life? A No, part of the time in Missouri.
Q How long did you live in Missouri? A Two or three years.
Q Were you born there? A No, born in Mississippi.
Q How long did you live in Mississippi? A I guess I was two years old when I left there.
Q Did you go from there to Missouri? A From Mississippi, yes sir.
Q Then from Missouri to Arkansas? A Yes sir.
Q Then from Arkansas to the Indian Territory? A Yes sir.
Q Is your father living? A No sir, he's dead.
Q What was his name? A J. V. Halsey.
Q What is that J. for? A John.
Q Is your mother living? A No sir, mother's dead.
Q What was her name? A Her name was Rachel.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q How old would your mother be if she were living to-day, about how old? A Oh, she would be something over fifty, up in sixty or sixty-five.
Q Are you her oldest child? A No sir.
Q How many other than you did she have? A Either five or six.
Q Older than you? A Yes sir.
Q Do you know about how old she would be when her first child was born? A No sir, I don't.

#2.

- Q Don't remember the year in which she was born? A No sir.
- Q Where was she born? A My mother?
- Q Yes? A Why, I declare I don't know; Mississippi I think.
- Q What part of Mississippi? A Well I couldn't tell you.
- Q Did she live in Mississippi up to the time she moved to Missouri when you were two years old? A I don't know; I couldn't say.
- Q Through which one of her parents did she get her Chestaw blood?
- A From her mother.
- Q What was her name? A Sally Thomas.
- Q Was that her married name or maiden name? A Maiden name.
- Q Who did she marry? A A fellow named Hopkins.
- Q Do you know the year in which Sally was born? A No sir, I don't.
- Q Which one of her parents did she get her Chestaw blood through?
- A I couldn't tell you.
- Q You don't know the names of any of your Chestaw ancestors then farther back than Sally Thomas? A No sir.
- Q Where was Sally born? A I couldn't tell you that.
- Q Do you know when she was married? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A P. M. Halsey.
- Q Her given name? A Phoebe.
- Q Has she any Chestaw blood? A No sir.
- Q You make no claim for her then? A No sir.
- Q Have you been married more than once? A No sir.
- Q Has she? A No sir.
- Q Have you any children living? A Got a couple.
- Q What are their names and ages, the oldest first? A Boy, is thirteen; Seth is his name.
- Q How do you spell it? A S e t h.
- Q Next one? A Carrie.
- Q How old is she? A About eleven.
- Q These children are living with you at this time? A Yes sir.
- Q Are they both the children of yourself and Phoebe M. Halsey?
- A Yes sir.
- Q Were you married to Phoebe under a license? A Yes sir.
- Q When? A Which did you say?
- Q When were you married to her under a license? A To Phoebe, this woman?
- Q Yes? A About thirteen or fourteen years ago.
- Q Where? A Fannin County, Texas.
- Q Who married you? A Elder Smith.
- Q Preacher? A Yes sir.
- Q Have you your license and certificate with you at this time?
- A We haven't got no certificate now; guess we could get it there at Benham.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Phoebe M. Halsey. You will be allowed a period of fifteen days from this date in which to furnish such evidence.

- Q This application is for yourself and two minor children is it?
- A Yes sir.

#3.

- Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
- A Not that I know of; not that I know of.
- Q Is your name or the name of either one of these children to be found on any of the Choctaw tribal rolls in Indian Territory?
- A In which?
- Q Is your name or the name of either one of your children to be found on any of the Choctaw tribal rolls in Indian Territory?
- A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or either of your children, to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or either of these minor children? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children, under article fourteen of the treaty of Dancing Rabbit Creek; is that what you are here for? A Yes sir.
- Q You never have been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities have you? A No sir.
- Q Or neither of your children? A No sir.
- Q Has any application of any kind ever been made before to-day, for you or either of these children, for the purpose of establishing your rights as Choctaws? A Any which?
- Q Has application ever been made before to-day for you or these children for the purpose of establishing your rights as Choctaw Indians? A No sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation back in Mississippi and Alabama and for the benefit of those who wanted to stay there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Choctaw Nation might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months

from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article now?
 A No, I don't know as I do.

Well, in case a Choctaw who might have been living back in the old Nation in Mississippi in 1830, about seventy-two years ago, when this treaty was made, decided that he preferred to remain back there and become a citizen of the states he had the right to hold land back there and receive it from the government upon certain conditions. First, he was required to let the Agent of the government out there at that time, whose name was Wm. Ward, know within six months from February 24, 1831, that is the day this treaty was ratified, that he wanted to stay there and become a citizen of the states and take land back there in the old Nation. After he had so notified the Agent that he wanted to stay there and take land he was entitled to a reservation of one section of six hundred and forty acres of land; and for each child in his family who was ever ten years of age and unmarried on September 27, 1830, the day the treaty was made, he was entitled to an additional half section, or three hundred and twenty acres; and for each child in his family under ten years of age who was living with him at the time the treaty was made he was entitled to an additional quarter section, or one hundred and sixty acres. By the terms of this fourteenth article the reservations of these children were required to adjoin the location of the parent, and the reservations so made for the Indians under this fourteenth article were required in each and every instance to include the improvement of the head of the family as it existed on September 27, 1830, the day the treaty was made, or a portion of it. Now if the Indians lived on the land so reserved for them back there in the old Nation in Mississippi and Alabama for five years from February 24, 1831, the day this treaty was ratified, they were entitled to a grant in fee simple to the land, that is, the government would give them a deed or patent to it and the land would become the property of the Indian to dispose of at his own pleasure. The last part of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is,

that if a person stayed there--a Choctaw stayed there and took land under this fourteenth article back in the old Nation in Mississippi and Alabama he should not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever moved, that is, if he ever decided to come out west to the new country later, he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaws from the government of the United States under the treaty provision.

- Q Do you think you understand that fourteenth article now?
 A I think I do.
 Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder?
 A None that I know of.
 Q Did any of your ancestors to your knowledge live in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Yes sir, I suppose so.
 Q Well, what one of them lived there at that time? A My grandmother.
 Q Sally Thomas? A Yes sir.
 Q Do you know whether Sally was married when this treaty was made?
 A I think so.
 Q Do you know how many children she had at that time? A No sir.
 Q Do you know whether she owned any improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know anything about it.
 Q Do you know whether she or any other of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land? A Not that I knew of.
 Q Did any of your Choctaw ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know of.
 Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This

caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?
 A No sir, none that I know of.
 Q So far as you know then none of your Choctaw ancestors ever received any benefits whatever as Choctaws? A No sir.
 Q You don't know that any of them were recognized members of the tribe in 1830 when this treaty was made or not do you?
 A No sir, I don't know.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
 A Not positive; I have heard there could be evidence of that kind; I don't know myself.
 Q Who did you ever hear say that? A I don't know.
 Q Well, how did you hear it? A Why my sister was talking to me.
 Q What is her name? A Susan Bays. If I understand you right you have reference as to whether she claimed Indian blood or not? A
 Q I asked you if you knew of any old persons living who would likely know whether any of your ancestors who might have been living in 1830, seventy-two years ago, complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No, I don't know.
 Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
 Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.

17.

Q Have you any witnesses here to-day to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desired to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from to-day and their testimony will be taken, or if you should see fit to offer any written evidence, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

Q Are there any further statements you want to make at this time & in support of your application? A No sir.
Q You don't speak or understand the Choctaw language do you?
A No, not thoroughly; I don't speak it you might say.
Q Have you any brothers living? A Yes sir.
Q How many? A Two.
Q What are their names? A John and Charlie.
Q Have they been before this Commission? A One of them has.
Q Which one? A Charlie.

Reference is hereby made to M C R 6061, Charles H. Hulsey; said Charles H. Hulsey being a full brother of this applicant.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; his hair is rather inclined to be dark; has a very light mustache; gray eyes; he has a rather dark complexion; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 31st day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16 day of August, 1902.

[Signature]
Notary Public.

COPY.

M.C.R. 6086

Muskogee, Indian Territory, February 3, 1903.

Sam Hulsey,

Coalgate, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Esmond, et al.	M.C.R. 6062
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam B. Enloe	M.C.R. 6087
Carrie Searey, et al.	M.C.R. 6348

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Sam Hulsey,—2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry N. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Edmund, Alice Edmund, Carrie Edmund, Charles H. Hulsey, John Enloe, Franklin H. Enloe, Sam B. Enloe, Carrie Searey and Thomas Searey as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamm Dixby
Acting Chairman.

Registered.

M C R 6086

copy

Muskogee, Indian Territory, July 17, 1903.

Sam Hulsey,

Colgate, Indian Territory,

Dear Sir :

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Name ^{Date} Sam Hulsey
 Age 42 Blood 1/8
 Post-Office, Coalgate S.T.
 Father: John W. Hulsey
 Mother: Rachel "

Claims through mother
 wife Phoebe E. Hulsey
 No claim for wife.

Children:

Seth Hulsey 13
 Carrie 11

Sig and 2 children

Choctaw MCR 6087

Sam B. Enloe

See MCR 6060

MCR 6087

Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, I. T., July 21st, 1902.

4007

In the matter of the application of Sam E. Nulce for the identification of himself as a Mississippi Choctaw.

No attorney.

Sam E. Nulce, being first duly sworn, testified as follows

Examination by the Commission:

- Q What is your name? A Sam Nulce.
Q Have you middle initial? A Sam E.
Q How old are you? A Twenty-six.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Hartsborne.
Q Hartsborne, Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A Well, I have been here all my life you might say, have been out a time or two and back.
Q Born in the Territory? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A W. Perry Nulce.
Q What is that W. for? A William Perry Nulce.
Q Mother living? A No sir.
Q What was her name? A Name was Sally.
Q Through which one of your parents do you get your Choctaw blood? Mother.
Q How old would your mother be if she were living now? I declare I don't know how old she would be.
Q About how old? A About forty-six or eight.
Q Where was she born do you know? A No, I don't know.
Q Where did she ever live beside Indian Territory? A Why, she lived in Missouri and Arkansas I think.
Q Through which one of her parents did she get her Choctaw blood? Her mother.
Q What was her mother's name? A Rachel.
Q Rachel what? A Rachel Nulcey.
Q Do you know how old she would be if she was living now? No sir.
Q Do you know where she was born? A No sir.
Q What was her husband's name? A John Nulcey.
Q Through which one of her parents did Rachel get her Choctaw blood? A Her mother.
Q What was her name? A Name was Sally Thompson.

- Q What was her maiden name? A Hopkins.
- Q Well now was her maiden name Thomas or Thompson, which was it?
- A Thompson I believe- - - Thomas. My uncle Sam Hulsey who is here says her maiden name was Thomas.
- Q You don't know anything about where she was born? A No sir.
- Q Or where she lived during her lifetime? A No sir.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
- A No sir.
- Q Are you married? A No sir.
- Q This application then is for yourself only is it? A Yes sir.
- Q Is your name to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did any one else ever make such an application in your behalf?
- A No sir, not that I know of.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Under the act of Congress of June 10, 1896 did you make such application? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court for the Indian Territory? A No sir.
- Q Has any application of any description ever been made before to-day in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir, not as I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain back there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of so one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You think you understand that fourteenth article? A Well, I think so.
- Q You have heard it explained fully here this morning to your uncle Sam Hulsey didn't you? A Yes sir.
- Q Well now do you think you understand it? A I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder?
- A I think so.
- Q You think they did? A Well, I didn't understand what you said exactly.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder?
- A No sir, they did not that I know of.
- Q Did any of them live back there in the old Nation at that time, about seventy-two years ago? A I don't know; I couldn't say.
- Q Any of them own an improvement there at that time? A I don't know; I couldn't say.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land?
- A Not that I knew of.
- Q Any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1835 and 1836?
- A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government directed an Agent, whose name was Colonel Wm. Ward, to register the names of such Choctaws as might desire to remain there

and become citizens of the states and take land. The records of the government show that Colonel Ward failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appoint of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government, they should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A No that I know of.
- Q Did you ever hear that any of your ancestors ever received any land from the government, or any money? A No sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer in support of your application at this time? A No sir.
- Q Any witnesses here to-day to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from to-day and their testimony will be taken; or if you should see fit to

As.

offer any written evidence in support of this application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

- * Are there any further statements you want to make in support of your application? A No sir.
Q Do you speak or understand the Choctaw language? A No sir, nothing to do any good; I only know a few words.
Q Have any of your brothers been before the Commission? A Yes sir, one.
Q What is his name? A John G. Maloe.

Special reference is hereby made to M C R 6063, John G. Maloe; said John G. Maloe being a full brother of this applicant.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has light hair and light complexion; brown eyes; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 31st day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16th day of August, 1902.

J. R. Rutter

Notary Public.

COPY.

M.C.R. 6087

Muskogee, Indian Territory, February 8, 1903.

Sam B. Enloe,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Esmond, et al.	M.C.R. 6062
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam B. Enloe	M.C.R. 6087
Carrie Searoy, et al.	M.C.R. 6346

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Sam B. Enloe,--2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry N. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Esmond, Alice Esmond, Carrie Esmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixie.
Acting Chairman.

M C R 6087

COPY:

Muskogee, Indian Territory, July 17, 1903.

Sam B. Enloe,

Hartshorne, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

~~DUPLICATE~~

For Identification as a Mississippi Choctaw.

Name

Date ² B. Enloe

Age

26

Blood

1/6

Post-Office,

Wartschorne, B.T.

Father:

Wm Berry Enloe d

Mother:

Sallie

"

Claims through

mother.

Children:

Sey only

J. G. McMillen

Choctaw MCR 6088

James L. Draper

See MCR 5735

MCR 6088

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 21st, 1902.

#6052.

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In the matter of the application of James L. Draper for the identification of himself and his five minor children, John H., Elmer L., Jessie J., James S. and William H. Draper, as Mississippi Choctaws.

No attorney.

James L. Draper, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A James L. Draper.
Q How old are you? A Now I was born in '59; that makes me about forty-three years isn't it?
Q What month? A January.
Q How much Choctaw blood have you? A One-eighth.
Q What is your post office address? A Sulphur.
Q Sulphur Springs? A Sulphur Springs, Chickasaw Nation.
Q How long have you lived in the Indian Territory? A Five years this being September.
Q Where did you live before that? A I lived in Arkansas.
Q How long? A I was born and raised there.
Q Stayed there all your life? A All my life until I came to the Territory.
Q Is your father living? A No sir.
Q What was his name? A Andrew Jackson Draper.
Q Is your mother living? A No sir.
Q What was her name? A Ellen C.
Q Through which one of your parents do you get your Choctaw blood?
A My father.
Q How old would your father be if he were living to-day?
A Why, I don't remember exactly his - - -
Q When did he die? A He died in '61.
Q About how old was he when he died? A He was somewhere I believe in forty; about forty as well as I recollect.
Q Where was he born? A He was born in Mississippi, in my understanding.
Q What county? A Pontotoc.
Q How long did he live in Pontotoc county? A My father?
Q Yes? A I don't know.
Q Through which one of his parents did he get his Choctaw blood?
A From his mother.

#2.

- Q What was her name? A Her name?
Q Yes? A Her name was Jones.
Q Given name? A I cant give her given name?
Q Was Jones her married name or her maiden name? A That was her maiden name was my understanding.
Q You don't know what her given name was? A No sir.
Q How much Choctaw blood did she have? A She had about a half I reckon; that's my understanding.
Q Through which one of her parents did she get her Choctaw blood?
A From her mother.
Q What was her name? A Box.
Q That was her maiden name? A Yes sir.
Q What was her given name? A Rebecca Box.
Q She was a full blood Choctaw woman was she? A Yes sir, that's my understanding.
Q Did she have a Choctaw name? A I do not know.
Q You never saw her did you? A No sir.
Q How do you know how old her daughter who was your grandmother would be if she were living to-day? A No sir, I have no idea.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother. You will be allowed a period of fifteen days in which to furnish such evidence. The evidence of the marriage of your father and mother remember now. The best evidence of their marriage of course would be their original marriage license and certificate. If you cant get that, a certified copy will suffice.

By the applicant:

Of my father and mother?

By the Commission:

Yes.

- Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Lethia L. Draper.
Q Has your wife any Choctaw blood? A No sir.
Q Make no claim for her then? A No sir.
Q Have you been married more than once? A No sir.
Q Has your wife been married more than once? A No sir.
Q Have you any children living? A Five.
Q What are their names and ages, the oldest first? Tell us about how old they are? A About fourteen is the oldest.
Q What is that one's name? A John H.
Q Next one? A Kliner L.
Q How old is she? A About twelve.
Q That's a girl? A Yes sir.
Q Next one? A Jessie J.
Q Boy or girl? A It's a girl.
Q How old is she? A She's about ten years old.
Q Next one? A James S.
Q James S.? A Yes sir.

73.

- Q How old is he? A About eight.
Q Next one? A William H. Draper.
Q How old is he? A He's about six, near six.
Q Is that all of your children? A That's all of them.
Q Are they living with you at this time? A Yessir.
Q Are they all the children of yourself and Lethia L. Draper?
A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q Where? A Pike county, Arkansas.
Q When? A In '85.
Q Who married you? A Parson Williams.
Q Minister of the gospel? A Yes sir.
Q Have you your marriage license and certificate with you at this time? A No sir, I never did get them after I turned them back to the clerk's office.

It will be necessary that you furnish the Commission with proper evidence of your marriage to your wife Lethia, the mother of these children. You will be allowed a period of fifteen days in which to furnish such evidence.

- Q This application is in behalf of yourself and five minor children is it? A Yes sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A Not that I know of.
Q Is your name or the name of any one of your children to be found upon any of the Choctaw tribal rolls in Indian Territory?
A I don't know.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children for admission to citizenship in the Choctaw Nation?
A Yes, I made application about six or seven years ago.
Q To the tribal authorities was it? A Which?
Q To the tribal authorities? A Well, we made out papers, that was before I came to the Choctaw Nation, made an application and sent up I believe to this Commission about six or seven years ago.
Q Did you ever hear what became of your application? A I don't think we ever did.
Q You never heard whether your application was granted or denied did you? A No, I never did hear anything from it myself.
Q Who sent these papers to the Commission for you? A I believe they was sent by Stevens or Weeks.
Q Who is Stevens? A Benton Steven - - - or by one of the Weeks I don't know which.
Q Are they relatives of yours? A No sir.
Q Is he a lawyer--this man Steven? A Yes sir, he's sort of a lawyer.
Q Where did he live? A In Pike county, Arkansas.

Records of the Commission examined and no record found of any application ever having been made to this Commission in behalf of James L. Draper or any one of his children included in this application, for citizenship in the Choctaw Nation

#3.

- Q How old is he? A About eight.
Q Next one? A William H. Draper.
Q How old is he? A He's about six; near six.
Q Is that all of your children? A That's all of them.
Q Are they living with you at this time? A Yes sir.
Q Are they all the children of yourself and Lethia L. Draper?
A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q Where? A Pike county, Arkansas.
Q When? A In '85.
Q Who married you? A Parson Williams.
Q Minister of the gospel? A Yes sir.
Q Have you your marriage license and certificate with you at this time? A No sir, I never did get them after I turned them back to the clerk's office.

It will be necessary that you furnish the Commission with proper evidence of your marriage to your wife Lethia, the mother of these children. You will be allowed a period of fifteen days in which to furnish such evidence.

- Q This application is in behalf of yourself and five minor children is it? A Yes sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A Not that I know of.
Q Is your name or the name of any one of your children to be found upon any of the Choctaw tribal rolls in Indian Territory?
A I don't know.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children for admission to citizenship in the Choctaw Nation?
A Yes, I made application about six or seven years ago.
Q To the tribal authorities was it? A Which?
Q To the tribal authorities? A Well, we made out papers; that was before I came to the Choctaw Nation; made an application and sent up I believe to this Commission about six or seven years ago.
Q Did you ever hear what became of your application? A I don't think we ever did.
Q You never heard whether your application was granted or denied did you? A No, I never did hear anything from it myself.
Q Who sent these papers to the Commission for you? A I believe they was sent by Stevens or Weeks.
Q Who is Stevens? A Benton Steven- - - or by one of the Weeks I don't know which.
Q Are they relatives of yours? A No sir.
Q Is he a lawyer--this man Steven? A Yes sir, he's sort of a lawyer.
Q Where did he live? A In Pike county, Arkansas.

Records of the Commission examined and no record found of any application ever having been made to this Commission in behalf of James L. Draper or any one of his children included in this application, for citizenship in the Choctaw Nation

#4.

- Q Is that the only application of any kind that you have ever made to establish your rights as a Choctaw? A Yes sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Dawes Commission or the United States Court for the Indian Territory have you?
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and five minor children, under article fourteen of the treaty of Dancing Rabbit Creek, you do? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indian Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country they occupied in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You think you understand that fourteenth article? A I don't know exactly whether I do or not.

In case a Choctaw who might have been living back in the old Choctaw Nation in Mississippi and Alabama in the year 1830

when this treaty was made, decided that he would prefer to remain there and become a citizen of the states and take land, he had the right to receive lands from the government back there in the old Nation upon certain conditions. First, he was required by the terms of that fourteenth article to let the Agent of the government in Mississippi in 1831, Colonel Wm. Ward, know within six months after the treaty of Dancing Rabbit Creek was ratified, the treaty was ratified February 24, 1831, that he wanted to stay there and become a citizen of the states. He was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to a half section for each unmarried child which was living with him over ten years of age on the day the treaty was made; and for each child under ten years of age at the time the treaty was made he was entitled to a quarter section. The reservations of these children were required by the terms of the fourteenth article to adjoin the location of the parent. Now if these Indians lived on this land for a period of five years from February 24, 1831, the day the treaty was ratified, they were entitled to a grant in fee simple to the land, that is, the government would give the Indians a deed or patent to the land and they would then have the land to dispose of at their own will or pleasure. These reservations were required in each instance to include the improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was made, or a portion of it. Now the last clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is, an Indian who might have stayed there in the old Nation after taking land under the fourteenth article, would not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever later moved out to the new Nation he was not entitled to any portion of the Choctaw annuity. Choctaw annuity was money which becomes due each year to the Choctaw Indians from the government of the United States under treaty provisions.

- Q Do you think you understand that fourteenth article? A I believe I about understand it now.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A I don't know.
- Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made?
- A No sir.
- Q Do you know whether any one of them lived in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A No, I don't know that.
- Q Do you know whether any one of them owned an improvement there at that time? A No sir.
- Q Do you know whether any one of them within six months after the ratification of the treaty of Dancing Rabbit Creek, let the Agent of the government in Mississippi know for the Choctaws

know that they wanted to stay there and become citizens of the states and take land? A I don't know anything about them back there.

- Q Do you know whether any of them ever claimed or received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I didn't exactly catch that.
- Q Do you know whether any of them ever claimed or received any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that ever I knowed of.

An act of Congress approved on August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress? A Not that I knowed of.

#7.

- Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaws? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, none that I know of; my brothers has been to get their evidence; they was to meet me this morning to bring up some evidence, but I failed to meet them.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts, any deeds or patents or old papers of any kind? A No sir.
- Q Have you any written evidence of any description which you desire to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here to-day? A No, I haven't any witnesses.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from to-day and their testimony will be taken; or if you should discover any written evidence which you desire to offer in support of this application, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application--anything further you want to state? A There's nothing only about my marriage license; I don't know whether - - -now the court house was burned after I returned them and the probability is that they may be burned up.

Well, you do the best you can to obtain a certified copy of it--of your original license and certificate; or if you cant do that, of course you will have to submit the affidavits of two disinterested persons who were present at your marriage and it would also be well to submit the evidence of the present custodian of the marriage records of Pike county, Arkansas, to the effect that the marriage records covering the time during which you were married, had been destroyed by fire.

- Q Nothing further you have to say? A That was all.
- Q You don't speak or understand the Choctaw language? A No sir.
- Q What relation are you to Mary A. Sparks? A Brother.
- Q Full brother? A Yes sir.

Reference is hereby made to N E R 5935, Mary A. Sparks et al., the principal applicant in said case and the principal applicant in this case being full brother and sister.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; his hair is rather inclined to be light; has a very light mustache

#4.

and blue eyes; his complexion is somewhat inclined to be dark; doesn't speak or understand the Cheyenne language and has no knowledge of the compliance on the part of his ancestors with article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 31st day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16th day of August, 1902.

J. R. Renter
Notary Public.

W C R 6088.

Muskogee, Indian Territory, August 7, 1900.

Allen Weeks,

New Hope, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., in which you state that you have five children who are cousins to the Draper boys and James Jones, who have made application for citizenship. You ask that if you come before the Commission, will you be allowed to represent your two daughters.

In reply, you are informed that it appears from the records of the Commission that James J. Draper and James L. Jones are applicants to this Commission for the identification of themselves and their minor children as Mississippi Choctaws, claiming descent from one, Rebecca Ben, or Rebecca Jones.

The rules and regulations of the Department of the Interior and of the Commission require that applicants for identification as Mississippi Choctaws over the age of twenty-one years, or who are married, must make personal appearance before the Commission. Parents may apply for their minor children.

A H 2

In view of the probability of some early date being fixed or agreed upon designating the time in which applications for identification as Mississippi Shareware may be received, it is suggested that if you intend making application for your minor children you do so as early as practicable.

Yours truly,

Acting Chairman.

W.B.R. 6008.

Muskogee, Indian Territory, August 29, 1902.

James L. Draper,

Sulphur Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of the mother, Lethia L. Draper, and the attending physician, Geo. W. Glover, to the birth of your child October 2, 1902.

The affidavits have been accepted as evidence of the birth of this child, and filed with the record in your case.

Yours truly,

Acting Chairman.

H.C.R. 9026.

Muskogee, Indian Territory, September 4, 1908.

James L. Draper,

Sulphur Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint affidavit of L.J. Draper and G.W. Sparks to the marriage of James L. Draper and Letha L. Cox, offered for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

N.C.R. 8088.

Muskogee, Indian Territory, September 2, 1902.

James L. Draper,

Sulphur Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Lethia L. Draper, and that of the attending physician, Geo. W. Glover, to the birth of your infant child, born August 8, 1902.

The affidavits have been accepted as evidence of the birth of this child, and filed with the record in your case.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 6088

Muskogee, Indian Territory, January 7, 1903.

James L. Draper,

Sulphur Springs, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5562
Rebecca Fitzer	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5563
James L. Draper, et al.	M.C.R. 6088
Amanda A. Meeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whitley, et al.	M.C.R. 6207
Ida Talkington	M.C.R. 6238
Ada McClurge, et al.	M.C.R. 6233
John A. Meeks, et al.	M.C.R. 6198
Martha Potest, et al.	M.C.R. 6208
Willis M. Meeks, et al.	M.C.R. 6206
Victoria Blivins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Fant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Meeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Meeks, et al.	M.C.R. 6213
Nevada Meeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6138
James Edward Jones	M.C.R. 6193
Henry M. Jones	M.C.R. 6194

James L. Draper,—2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ellie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora E. Draper, Lewis Draper, Leroy L. Draper, Rebecca Pittner, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James P. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elinor L. Draper, Jennie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louise M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin G. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Poteet, Audie E. Poteet, Elsie D. Poteet, Binnie Poteet, Eric Poteet, Ernest Poteet, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Anna Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Otis Jones, Harling Jones, Granville Jones, Dolo Jones, Joseph G. Jones, Ellis Jones, Birdie May Jones,

James L. Draper,--3

Mary Ann Fant, John Henry Fant, Sina A. Fant, Eddie Fant,
Sorildy Fant, Luella Fant, Alvie Fant, Willis Fant, Carlis
Fant, Ora H. Fant, Frances Morgan, Dewey Allen Morgan,
Phoebe Meeks, Amanda V. Pate, Ethel V. Pate, Vesta E. Pate,
Alex Meeks, Florence Meeks, Beulah Meeks, Nellie Meeks,
Nevada Meeks, George M. Jones, John M. Jones, Sam Jones,
Annie Belle Jones, James Lewis Jones, and Mary M.
Jones as Choctaw Indians entitled to lands in the Choctaw
lands under the provisions of said article fourteen of the
treaty of eighteen hundred and thirty, and that the applica-
tions for their identification as such should be heard,
and it is so ordered.

You are further advised that you will be allowed fifteen
days from the date hereof within which to file arguments in this
office, and that at the expiration of said time the papers in the
case, together with such arguments will be forwarded to the Secre-
tary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

LEWIS S. DRYDEN

Acting Chairman.

Registered,

M C R 6088

Muskogee, Indian Territory, April 17, 1903.

J. L. Draper,
Jonest, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask "if the time has been extended for Choctaw Indians to put in their claim."

In reply you are informed that the Commission is now without authority to receive or consider the application of any person for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nation or for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

COPY,

M.C.R. 6088

Muskogee, Indian Territory, November 30, 1904.

James L. Draper,

Sulphur, — Indian Territory,

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

INDEXED

COST \$1.00 FIVE TIMES.		
10175	Received	ANSWERED
1903	ADD TO THE	Book Page

Draper, J. L.,
Junet, Ark.,
April 14, 1903.

Asks if time has been extended
for Choctaws to make
claim.

CHOC-CHIC ENROLLMENT

MR 6088C

James T. Work

Apr. 14, 1903

Commissioners;

Dear Sir;

Will you please inform
me if the time has
been extended for Choctaw
Indians to put in
their claim, if it has
been long, will you
please let me know

Yours Truly

James T.
Work

For Identification as a Mississippi Choctaw.

Date JUL 21 1902

Name James L. Draper

Age 43 Blood 1/8

Post-Office Sulphur Springs, S.T.

Father: Andrew J. Draper d

Mother: Ellen C. " d

Claims through father
wife ~~Lettie~~ Letitia L. Draper L

No claim for wife.

For self and 5 children

Children:

John H. Draper 14

Elinor L. " F 12

Jessie J. " F 10

James B. " 8

William H. " 6

Choctaw MCR 6089

Finis J. Williams

MCR 6089

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Finis J. Williams, et al.,
for identification as Mississippi Choctaws, M.C.R. 6089.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

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Decision of the Commission refusing the ap- plication of Finis J. Williams, et al., for identification as Mississippi Choctaws-----	9

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 22nd, 1902.

40000.

In the matter of the application of Finis J. Williams for the identification of himself and his four minor children, David, Jim, Finis, and Ellie Lee Williams, as Mississippi Choctaws.

No attorney.

Finis J. Williams, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Finis J. Williams.
Q How old are you Mr. Williams? A Forty-one.
Q How much Choctaw blood have you? A One-eighth.
Q What is your post office address? A Thackerville, Indian Territory.
Q How long have you lived in Indian Territory? A About twenty years.
Q Where did you live before that? A I lived in Mississippi.
Q What county? A Choctaw county.
Q How long did you live there? A Until I was four years old, and then - - - well, I lived part of the time in Mississippi.
Q First Mississippi, then in Texas, and then Indian Territory? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Jim Williams.
Q Mother living? A No sir.
Q What was her name? A Sarah Williams.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q How old would your mother be if she were living now? A She would be about sixty-six years old.
Q Where was she born? A Mississippi.
Q She lived there until you moved to Texas? A Yes sir; never was out of the state that I know of.
Q She was born and raised in Choctaw county? A Yes sir.
Q How did she have any brothers older than she was? A Yes sir.
Q How many? A Only one that I know anything of.
Q How much older than your mother was that brother? A I cant say.
Q About how much older? A I don't know.
Q Have no idea? A No sir.
Q Did she have any sisters older than she was? A Not that I know of.

#2.

- Q Through which one of her parents did your mother get her Choctaw blood? A Her father.
- Q What was his name? A Colbert.
- Q Given name? A Ed.
- Q Edward Colbert? A Yes sir.
- Q Do you know the year in which Edward Colbert was born? A No sir.
- Q When did he die? A I don't know that either. I have heard mother say, but I disremember.
- Q What was your mother's mother's name? A Well, I couldn't tell you that; we just called her grandmother; she died when I was just two years old.
- Q About how old was she when she died? A About seventy-two years old.
- Q That would make her over a hundred years old if she were living now? A Well I may be mistaken there.
- Q You think she was about seventy when she died? A I can't say positive. I will take that back.
- Q Was your mother's father older than her mother? A Yes sir.
- Q Do you know how much older? A No sir.
- Q How much Choctaw blood did Edward Colbert have? A One-half I would suppose.
- Q Where was he born? A Mississippi.
- Q Choctaw county? A I couldn't say.
- Q Did he live in Mississippi all his life? A I couldn't say that either; I don't know.
- Q Do you know the year in which he was first married? A No sir.
- Q Do you know the names of his parents? A No sir.
- Q Do you know whether he was born before or after the year 1800? A I can't say.
- Q Never heard that? A Never heard anybody say.
- Q Do you know whether he and your mother's mother were lawfully married? A I couldn't say.
- Q Do you know how long they lived together as husband and wife? A Well, I couldn't say.
- Q Did they live together until his death? A Is that Edward Colbert?
- Q Yes? A Yes sir.
- Q How many children were born to them? A There was only two that I know anything of.
- Q Your mother and one brother? A Yes sir.

It might be well for you, if possible to furnish the Commission with proper evidence of the marriage of your mother's father and mother, and you will be allowed a period of fifteen days in which to offer such evidence.

- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
- A I don't know sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Barbara Williams.
- Q Has she any Choctaw blood? A Not that I know of.
- Q You make no claim for her then? A No sir.
- Q Have you any children? A Yes sir.

#3.

- Q How many? A Four.
- Q What are their names and ages? A The oldest is six years old, David Williams.
- Q Next one? A Jim Williams.
- Q How old? A He's four years old.
- Q Next one? A Finis Williams.
- Q Middle initial? A That's his name--Finis Williams.
- Q How old is he? A He's three years old.
- Q Next one? A Willie Lee Williams.
- Q How old? A She's seven months old.
- Q Are these four children living with you at this time?
- A Yes sir.
- Q Are they the children of yourself and Barbara Williams?
- A Yes sir.
- Q This application then is for yourself and four minor children, is that right? A Yes sir.
- Q Have you been married more than once? A No sir.
- Q Has your wife been married more than once? A No sir.
- Q Were you married to her under a license? A Yes sir.
- Q When? A In July, the 18th of this month eleven years ago.
- Q Where? A Hillsboro, Texas.
- Q Have you your marriage license and certificate with you at this time? A No sir, never did get them.

It will be necessary that the Commission be furnished with proper evidence of the marriage of yourself and your wife Barbara, for use in connection with the application you make in behalf of your minor children. You will be allowed a period of fifteen days from to-day in which to offer this evidence.

- Q Is your name or the name of your oldest child to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or your oldest child, to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, for yourself or your oldest child? A No sir.
- Q Then neither you nor this oldest child have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Dawes Commission, or the United States Court for the Indian Territory, have you? A No sir.
- Q Has any application of any description ever been made before to-day in your behalf or in behalf of any one of these children for the purpose of establishing your rights as Choctaw Indians?
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and four minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave this old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You think you understand this fourteenth article? A No sir.

In case a Choctaw who might have been living in the old Nation in the state of Mississippi or in Alabama in 1830, decided that he preferred to remain back therein the old Nation and not move out west to the new country, he had the right under this fourteenth article to receive certain land back there from the government upon certain conditions. First, he was required to, within six months from the time this treaty was ratified—the treaty was ratified on February 24, 1831—let the agent of the government in Mississippi for the Choctaws know that he wanted to stay there and become a citizen of the states and take land. After he had so notified the agent that he wanted to stay and take land he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family over ten years of age he was entitled to a half section, and each child under ten years of age a quarter section.

#0.

By the applicant:

I understand it now.

By the Commission:

Q You understand the fourteenth article do you? A Up to that.

After these reservations had been made to the Indians they were required to live on the lands so reserved for them for five years from February 24, 1831--the day the treaty was ratified--. After they had so lived on this land intending to become citizens of the states for a period of five years from the day the treaty was ratified they were entitled to a grant in fee simple to the land. Now the reservations of the children were required to adjoin the parents' reservations, and the reservations so made to these Indians were required to include the improvement of the head of the family as it existed on September 27, 1830, or a portion of it. The last part of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is, a person who might have stayed back there in Mississippi and Alabama and taken land under that fourteenth article should not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever decided later that he wanted to come out to this new country, he should not be entitled to any portion of the Choctaw annuity. Annuity is money that becomes due each year to the Indians under treaty provisions.

- Q Now you think you understand that do you? A Yes sir, I think I understand it now. The children's land had to join the parents' lands?
- Q Yes sir. Now did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefit thereunder? A Back there?
- Q Yes sir? A Not that I know of.
- Q Did any of them own an improvement back there in the old Nation in Mississippi and Alabama, seventy-two years ago, when this treaty was made? A Not that I know anything of.
- Q Was any one of your ancestors living there in the old Nation when the treaty was made, to your knowledge? A Not to my knowledge, I couldn't say.
- Q Q Do you know where Edward Colbert was living at that time?
- A No sir; I suppose he was living there.
- Q He was married and the head of a family at that time was he?
- A Yes sir; I only know just what I have been taught you know.
- Q But your understanding is that he was a grown man and the head of a family at that time? A Yes sir.
- Q Do you know whether he or any other of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws, Colonel Wm. Ward, know that they wanted to stay there and become citizens of the states and take land? A No sir.

#6.

- Q Do you know whether any of your Choctaw ancestors moved to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Yes sir.
- Q They did? A Some of them did, yes sir.
- Q What? A David Colbert.
- Q What relation was he to you? A Why, he's my mother's brother.
- Q How old was he when he moved out here? A I couldn't tell you.
- Q Well now did he move out here shortly after this treaty was made when the greater portion of the Choctaws came? A I don't know.
- Q Do you know that he was grown when he came out here? A I couldn't tell you.
- Q What became of him? A He died.
- Q Was he a citizen of the Nation? A Yes sir.
- Q Choctaw or Chickasaw? A Choctaw.
- Q Did any of your ancestors ever claim or receive any land back in the old Nation in Mississippi and Alabama from the government of the United States under this fourteenth article?
- A Not that I know of.
- Q Do you know whether any of them were in fact recognized members of the tribe when the treaty was made? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the government under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Do you know whether any of your ancestors appeared before any of these Commissioners and attempted to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?
- A I don't know.

- Q Now those Commissioners, you will understand, held their sessions back in Mississippi and Alabama between sixty and seventy years ago; now what I want to know is whether any of your ancestors appeared before any of these Commissioners and tried to establish their rights? A No sir, not that I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A I don't know.
 Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir, I don't in Mississippi.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Yes, I have some relatives here in this country.
 Q Who are they? A Frank Colbert.
 Q How old is Frank Colbert? A I couldn't tell you his age.
 Q Do you think he would know whether any of your ancestors complied with this treaty provision? A I suppose he would.
 Q Do you know of any one else who would likely know? A Why, Ed Colbert is likely to know at Ardmore.
 Q Are they old men? A Why, Ed Colbert is an old man but Frank Colbert isn't an old man.
 Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.
 Q Have you any written evidence to offer at this time in support of your application; any deeds or patents or papers of any kind you want to give us? A No sir.
 Q Any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from to-day and their testimony will be taken; or, if you should see fit to offer any written evidence in support of this application, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements that you desire to make at this time in support of your application? A Not that I know anything of.
 Q Do you speak or understand the Choctaw language? A No sir.
 Q Now, have you any brothers living? A Yes sir.

26.

- Q How many? A I have two that I know of - - - I have three brothers.
- Q What are their names? A Frank Williams is one of them; his initials is W. F. Williams.
- Q Next one? A Dick Williams; R. D. is his initials.
- Q Next one? A Nathaniel A.
- Q Has any one of these brothers been before the Commission?
- A No sir.
- Q Have you any sisters living? A No sir.
- Q Have you any brothers dead who left children? A Yes sir, one.
- Q How many children did he leave? A One.
- Q What is the name of your brother who left one child?
- A Wesley Williams.
- Q Is his child living at this time? A Yes sir.
- Q What is the child's name? A Sallie Williams.; she's married now.
- Q What is her married name? A Sallie Fuller.
- Q Has she been before the Commission? A No sir.
- Q Have you any sisters dead? A Yes sir.
- Q How many? A One.
- Q Did she leave children? A No sir.
- Q Has your mother any brothers living? A No sir, not that I know anything of.
- Q She only had one brother? A That's all I ever heard of.
- Q And his name was what? A David Gilbert.
- Q Did he leave any children? A Yes sir.
- Q How many? A I don't know but one.
- Q What is that child's name? A I don't know her given name, that's the widow Green.
- Q Widow Green? A Yes sir.
- Q Where does she live? A In the Chickasaw Nation.
- Q Is she a recognized citizen of the Choctaw tribe? A Yes sir.
- Q Are any of David's children dead? A That's his child.
- Q I mean did he ever have any others? A I don't know; this is the only one I ever knew.

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood, although he has rather dark complexion, dark hair, brown eyes; doesn't speak or understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 16 day of August, 1902.

Albert G. McMillan
H. R. Renter
Notary Public.

Civil
COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Finis J. Williams,
et al., for identification as Mississippi Choctaws, M.C.R. 6069

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Finis J. Williams for himself and his four minor children, David, Jim, Finis and Ollie Lee Williams, under the following provision of the act of Congress approved June 26, 1898 (30 Stat. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Edward Colbert, who is alleged to have been an one-

half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Edward Colbert, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Finis J. Williams, David Williams, Jim Williams, Finiah Williams Jr., and Ollie Lee Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED).

Jame Bixby.

Acting Chairman

(SIGNED).

T. B. Needles.

Commissioner

(SIGNED).

C. R. Breckinridge.

Commissioner

Muskogee, Indian Territory

FEB 2 1903

COPY.

M.C.R. 6089.

Maskogee, Indian Territory, February 2, 1903.

Finis J. Williams,

Thackerville, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Finis J. Williams, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Finis J. Williams, David Williams, Jim Williams, Finis Williams Jr., and Ollie Lee Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the

P. J. W. # 2.

COPY.

Secretary of the Interior through the Commissioner of Indian
Affairs.

Respectfully,

(SIGNED)

Tamie Dixey

Acting Chairman.

Registered.

COPY.

M.C.R. 6089.

Muskogee, Indian Territory, February 2, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Finis J. Williams, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 23, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Finis J. Williams, David Williams, Jim Williams, Finis Williams Jr., and Ollie Lee Williams as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

COPY.

Washoe, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of
Finis J. Williams, et al., applicants to the Commission for identi-
fication as Mississippi Choctaws, including the decision of the Com-
mission of February 2, 1903.

The Commission has the honor to report that the principal
applicant herein and the attorneys for the Choctaw and Chickasaw
Nations have been duly advised by letter of the action of the Com-
mission, copies of said letters being attached to the record.

Respectfully,

James D. Smith
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6088

COPY
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
12827--1903.

April 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of Finis J. Williams, for himself and his four minor children, David, Jim, Finis and Ollie Lee Williams, wherein a decision adverse to the applicants was rendered by the Commission on February 2, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Edward Colbert. They claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of their ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830,

and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records in this office with reference to the name of Edward Colbert, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

E.B.F.(E.)

COPY.
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

THE

D.C. 11675
ITD 3644-1903.

April 22, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Finis J. Williams (M C R 6089), for himself and his four minor children, David, Jim, Finis and Ollie Lee Williams, including your decision of February 2, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Edward Colbert, who is alleged to have been an one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting in the matter April 7, 1903, the acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed)

THOS RYAN.

1 inclosure.

Acting Secretary.

M C R 6089

COPY.

Muskogee, Indian Territory, April 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Finis J. Williams et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

James Birby,
Chairman.

1000B

COMMISSIONERS
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 6089

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1903.

Finis J. Williams,
Thackerville, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Finis J. Williams, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Date

JUL 22 1902

Name *Finis J. Williams*Age *41* Blood *1/8*Post-Office *Thackerville, S.T.*Father: *Jim Williams d*Mother: *Sarah " d*Claims through *mother*
*wife**Barbara Williams L*
No claim for wife.*Self*

Children:

*David Williams 6**Jim " 4**Finis " m 3**Ollie Lee " F 7mo*

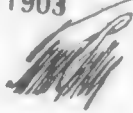
Stenographer

A. G. McMillan

6089

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED

MAY 12 1903



CHAIRMAN.



U. S. DEPT. OF JUSTICE,
RECEIVED

FILED

MAR 21 1903



CHAS. H. HARRIS

Return



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1530

Finis J. Williams,

Mored

Thackersville, Indian Territory.



Choctaw MCR 6090

William D. Jackson

MCR 6090

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Jackson for
identification as a Mississippi Choctaw, M.C.R. 6090.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of William D. Jackson to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission refusing the ap- plication of William D. Jackson for identi- fication as a Mississippi Choctaw-----	2

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., July 22nd, 1902.

4000

In the matter of the application of William B. Jackson for
the identification of himself as a Mississippi Choctaw.

No attorney.

William B. Jackson, being first duly sworn, testified as
follows:

Examination by the Commission:

- Q What is your name? A William B. Jackson.
Q How old are you Mr. Jackson? A Twenty-three.
Q How much Choctaw blood have you? A One-eighth.
Q What is your post office address? A Chickerville, Indian
Territory.
Q How long have you lived in Indian territory? A I have lived
in Indian Territory nearly eight years.
Q Where did you live before that? A I lived in Texas.
Q How long did you live in Texas? A I lived in Texas six years.
Q Where did you live before that? A In Arkansas.
Q How long? A I lived there about nine years.
Q Is your father living? A Yes sir.
Q What is his name? A W. B. Jackson.
Q What is that "W" for? A William.
Q Same name as yours? A Yes sir.
Q Mother living? A No sir.
Q What was her name? A Jane Jackson.
Q Through which one of your parents did you get your Choctaw
blood? A My mother.
Q How old would your mother be if she were living now?
A Something about fifty-five years old; I don't know exactly.
Q Where was she born? A In Arkansas.
Q Lived there until you were nine years old did she? A She lived
and died there.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A Green Schawming.
Q Is he living? A No sir.
Q When did he die? A Well, I don't know; about twenty-two years
ago; I was very small.
Q How old was he when he died? A I don't know.

#2.

- Q Where was he born? A In Mississippi.
Q What county? A I don't know.
Q How long did he live in Mississippi? A He came to Arkansas when he was a boy; that's what I have been taught.
Q What was your mother's mother's name? A Her name was Jones.
Q Given name? A I don't know.
Q Through which one of his parents did Green Behanning get his Choctaw blood? A His father.
Q What was his father's name? A Gideon Behanning.
Q How much Choctaw blood did Gideon Behanning have? A I don't know; I never heard any one say.
Q Where was he born? A I don't know.
Q Did you ever see him? A No sir.
Q You know nothing then about him? A No sir.
Q What was Green Behanning's mother's name? A I don't know.
Q You don't know anything about the marriage of Gideon Behanning and Green Behanning's mother? A No sir.
Q Do you know whether Green Behanning and your mother's mother were lawfully married? A Nothing only what I have been taught but I suppose they were.
Q How many children were born to them? A I don't know; about four.
Q How long did they live together as husband and wife?
A She died a short time, well, a few years after they were married.

It will be well for you to furnish the Commission with proper evidence of the marriage of Gideon Behanning to the mother of Green Behanning, and of Green Behanning and your mother's mother. You will be allowed fifteen days in which to submit this evidence.

- Q Do you know the names of Gideon Behanning's parents? A No sir I do not.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir.
Q Are you married? A No sir.
Q This application then is for yourself only? A Myself; of course I represent my brothers that's under age; that is, if I can.
Q With whom do your brothers that are under age live? A One lives with his father and the other one is working out for himself.
Q How old? A He's twenty years old.
Q How old is the other one? A He's eighteen.

Well your father would be the proper person to make application in behalf of these two children, although each of them being over eighteen years of age would have the right to make an application in his own behalf if he should choose to do so.

- Q This application then is for yourself only? A Yes sir.

#4.

- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Is my name enrolled? A
- Q Yes sir. A No sir.
- Q Did you ever make application to the Choctaw tribal authorities to be admitted or enrolled as a member of that tribe?
- A No sir.
- Q Or did any one else ever make such an application in your behalf? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation in Mississippi and not move out west to the new Nation might receive a land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall

#4

Issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A If they ever moved from there they are not entitled - -
- Q The Choctaw annuity. That is money that becomes due each year to the Choctaws from the government. Do you think you understand that fourteenth article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder?
- A I don't know.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Yes sir.
- Q What one of them? A My grandfather, and great-grandfather.
- Q Your great-grandfather Gideon Behanning was part Choctaw and was the head of a family in the old Nation in Mississippi in 1830 when this treaty was made was he? A Yes sir, that's what I have been taught.
- Q Did he own an improvement there at that time? A I don't know.
- Q Do you know whether he or any one for him or any other of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there in the old Nation and become citizens of the states and take land there? A I don't know.
- Q Do you know whether any of your Choctaw ancestors removed to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.
- Q Do you know whether any of them ever claimed or received any land in the old Nation from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land under this fourteenth article. The name of this agent was Colonel Wm. Ward. The records of the government show that Colonel Ward failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and made improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had

complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw claims.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had so complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?
A I don't know.
Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaws? A No sir.
Q Do you know whether any of them were in fact recognized members of the Choctaw tribe seventy-two years ago when this treaty was made? A No sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I couldn't say positively that I do.
Q Do you know of any written evidence of any description, any deeds, patents or papers of any kind, which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
Q Have you any witnesses here to-day to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskegee within a period of fifteen days from to-day and their testimony will be taken; or, if you should see fit to offer any written evidence in support of your application, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
Q Have you any brothers living? A Yes sir.
Q How many? A Five.

- Q What are their names? A Benjamin Franklin.
 Q Next one? A Thomas A.
 Q Next one? A John G.
 Q Next one? A Uriah.
 Q Next one? A Calvin J.
 Q Have these brothers been before the Commission? A No sir.
 Q Have you any sisters living? A No sir.
 Q Have you any deceased brothers? A No sir.
 Q Any deceased sisters? A No sir.
 Q Did your mother ever have any brothers? A There were some I believe, but they died.
 Q Died in infancy? A Yes sir.
 Q Did your mother ever have any sisters? A Yes sir, she has half sisters and half brothers.
 Q By the same father? A Yes sir.
 Q Did she ever have any full sisters? A Yes sir, but they died in infancy.
 Q How many half brothers did your mother have? A I don't know.
 Q Are any of them living to-day? A I don't know; there were two living the last I heard of them.
 Q What are their names? A One named Lee.
 Q Lee Bohanning? A Yes sir.
 Q Next one? A Jeff Bohanning.
 Q Do you know whether they are living now? A No sir, I haven't heard from them in about ten years.
 Q Has your mother any half brothers dead who left children?
 A I don't know.
 Q Has your mother any half sisters living? A She had two the last I heard of them.
 Q What are their names--their married names if they are married?
 A They are married, but I don't know.
 Q You don't know whether they have been before the Commission or not? A No sir.
 Q Has your mother any deceased half sisters? A I don't know; I never heard any one say.
 Q Did any of them leave children? A I don't know.
 Q Did your mother's father ever have any brothers? A Yes sir, I think she did.
 Q Do you know how many? A No sir.
 Q Do you know whether any of them left children? A No sir.
 Q Did your mother's father ever have any sisters? A I don't know.
 Q Have you told us about all your relatives whose names you know?
 A Yes sir.
 Q You don't speak or understand the Choctaw language do you?
 A No sir.

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; although he has black hair and rather dark complexion; his eyes are gray; he doesn't speak or understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

77.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16 day of August, 1902.

J. H. Renter
Notary Public.

*G.D.L.
Cov.*

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Jackson for
identification as a Mississippi Choctaw, N.C.R. 6090.

---: D E C I S I O N :---

It appears from the record herein that an application
for identification as a Mississippi Choctaw was made to this Com-
mission by William D. Jackson for himself, under the following pro-
vision of the act of Congress approved June 25, 1898 (30 Stats.,
495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of Gideon Bohanning, who is alleged to have been possessed of

GA.L.
Cov.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Jackson for
identification as a Mississippi Choctaw, M.C.R. 6090.

DECISION

It appears from the record herein that an application
for identification as a Mississippi Choctaw was made to this Com-
mission by William D. Jackson for himself, under the following pro-
vision of the act of Congress approved June 28, 1898 (30 Stats.,
495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descen-
dant of Gideon Bohanning, who is alleged to have been possessed of

some Choctaw Indian blood (degree thereof not stated), and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Gideon Bohanning, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William

-3-

D. Jackson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(PRESIDENT)

Tame Dixie.

Acting Chairman.

(VICE PRESIDENT)

T. B. Needles.

Commissioner.

(SECRETARY)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 7 1903

COPY.

Muskogee, Indian Territory, January 7, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William D. Jackson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William D. Jackson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Linig

Acting Chairman.

COF

W.C.R. 8096

Muskogee, Indian Territory, January 7, 1903.

William D. Jackson,

Thackerville, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William D. Jackson, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William D. Jackson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tama Pitig
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William D. Jackson, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of January 7, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 4090.

Acting Chairman.

C O P Y .

Land
K144-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington,

February 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as a Mississippi Choctaw of William D. Jackson, wherein a decision adverse to the applicant was rendered by the Commission on January 7, 1903.

An examination of the evidence in this case shows that the applicant makes his claim to identification by reason of his descent from Gideon Behanning and Green Behanning, who, it is alleged, were citizens of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission makes its decision rejecting this applicant for the reason that its records do not show that one Gideon Behanning, or ancestorless remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

-2-

An examination of the records of this office discloses the fact that the names of Gideon Bohanning and Green Bohanning are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting this applicant be approved.

Very respectfully,

(Signed) A. C. TONNER

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

C O P Y .

D.C. 7808-1903.
I.T.D. 1940-1903.
LRS

DEPARTMENT OF THE INTERIOR. THE
Washington.
March 18, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 23, 1903, you transmitted the record in the case involving the application of William D. Jackson (M C R 6090), for identification as a Mississippi Choctaw, including your decision of January 7, 1903, refusing to identify him as such.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of Gideon Bohanning, who is alleged to have been possessed of some Choctaw blood (degree not stated), and to have been a resident of Mississippi in 1830.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that his alleged ancestor complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision,
and the same is hereby affirmed.

Respectfully,

(Signed) THOS KYAN

Acting Secretary.

1 inclosure.

M.C.R. 6090

COPY.

Mustagee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of William D. Jackson, of which decision you were advised by mail on the 7th day of January, 1903.

Respectfully,

RECEIVED

Tamie Dixby
Chairman.

48

No. 6090

For Identification as a Mississippi Choctaw.

Date

JUL 22 1902

Name

William D. Jackson

Age

23

Blood

1/8

Post-Office,

Thackerville S.C.

Father:

William D. Jackson

Mother:

Jane

"

d

Claims through

mother.

Only

Children:

William

Choctaw MCR 6091

Washington L. Hudson

MCR 6091

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----
In the matter of the application of Washington L. Hudson, et al.,
for identification as Mississippi Choctaws, M. C. R. 6091.

-----0-----
List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of
Washington L. Hudson, et al.,
-----0-----

Page.

Original application of Washington L. Hudson, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	1
Decision of the Commission to the Five Civilized Tribes, refusing the application for identification as Mississippi Choctaws in the case of Washington L. Hudson, et al.,.....	2

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 22nd, 1902.

#0001

—00—

In the matter of the application of Washington L. Hudson
for the identification of himself and his minor child, William O.
Hudson, as Mississippi Choctaws.

No attorney.

Washington L. Hudson, being first duly sworn, testified as
follows:

Examination by the Commission

- Q What is your name please sir? A Washington L. Hudson.
Q How old are you? A Forty-nine years old.
Q Forty-nine? A Yes sir.
Q How much Choctaw blood have you? A One-eighth.
Q What is your post office address? A Thackerville, Indian
Territory.
Q How long have you lived in the Indian Territory? A Three
years.
Q Where did you live before you came to Indian Territory?
A My former home?
Q Yes? A I was born in Missouri, and then came to Arkansas and
then to Indian Territory.
Q Is your father living? A No sir.
Q What was his name? A Gideon L. Hudson.
Q Is your mother living? A No sir.
Q What was her name? A Martha Ann Hudson.
Q Through which one of your parents do you get your Choctaw blood?
A My mother.
Q When did she die? A She died in—let's see—she's been dead
eight years.
Q How old was she when she died? A I think she was about sixty-
five years old when she died.
Q Where was she born? A She was born in Missouri.
Q Lived there all her life? A Yes sir.
Q What county in Missouri? A Cole county; no, she died in Fenton
through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A William O. Wade.
Q Where was he born? A He was born in Mississippi.
Q What county? A I think it was in Choctaw county; at least
that's what I have always been taught.
Q How long did he live there? A I really don't know how long

- he lived there; he had a family when he came to Missouri.
- Q Do you know the year in which he came to the state of Missouri?
- A I think it was in, if I aint mistaken, either in 43 or 44; I think probably it was; now, I wouldn't sure.
- Q Well it must have been before that? A Well probably it was before that; in fact I haven't recollection.
- Q When were you born? A I was born in '53.
- Q Are you your mother's oldest child? A No sir, I aint the oldest one.
- Q That would have been ten years before you were born? A Well I couldn't say.
- Q It's about twenty-three or four wasn't it? A I guess so.
- Q Is your oldest brother living now? A Yes sir.
- Q How old is he? A He's eight years older than I am.
- Q Did you have a sister older than him? A No sir.
- Q He was the oldest child? A Yes sir.
- Q Do you know how old your mother was when this child was born?
- A No sir, I don't know, but I think she married very young; I don't think she was over eighteen years old; somewhere along there I think.
- Q She must have been born about 1827 wasn't she? A Yes sir; I think the old family record got burned up in the house; I couldn't say positively.
- Q How long had your grandfather lived in Missouri when your mother was born? A I think he lived there but a little while.
- Q Couldn't say how many years? A No sir.
- Q What was your mother's mother's name? A Maiden name?
- Q Yes? A Johnson I think; that's the way I have been informed.
- Q What was her given name? A I don't know.
- Q Then your mother's father was a half blood Cheetaw according to your testimony? A Yes sir.
- Q Through which one of his parents did he get his Cheetaw blood?
- A Well, he got it through his father.
- Q What was his father's name? A Well I don't know.
- Q What was his mother's name? A Well I don't know; I couldn't say that.
- Q Well now did William G. Wade have a Cheetaw name? A Why I don't know.
- Q You never heard of his ever having any name except William G. Wade? A William G. Wade, that's all.
- Q Do you know whether he and your mother's mother were lawfully married? A Why they were married in that country and I suppose by the records it could be established.
- Q How many children were born to them? A To my grandfather?
- Q Yes? A Why I think about eight or ten in all.
- Q Did they live together until the death of one of them?
- A Yes sir.
- Q Which died first, your grandfather or grandmother? A My grandfather died first.

It will be well for you to furnish the Commission with evidence of the marriage of your grandfather and grandmother Wade, and you will be allowed a period of fifteen days from this date in which to furnish such evidence.

#3.

- Q Was your mother ever recognized in any manner or enrolled as a member of the Cheetaw tribe of Indians in Indian Territory?
A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Her name is Ella.
Q She have any Cheetaw blood? A No sir.
Q You make no claim for her? A No sir.
Q How many children have you now? A I only have one living.
Q Is that child the child of yourself and your present wife Ella?
A No, it is the child of my first wife Lydia.
Q What is the name of this child? A William O.
Q How old is he? A He's seven years old.
Q What was his mother's name? A His mother's name?
Q Yes? A Lydia; you mean her maiden name?
Q Yes? A Ross.
Q Did she have any Cheetaw blood? A She claimed it, yes sir.
Q Do you know how much? A I don't know how much; I just heard them talking about it; I think though she claimed one-sixteenth.
Q She's dead? A Yes sir.
Q You couldn't swear that she had Cheetaw blood? A No sir, I couldn't swear it, but the Ross family claimed it from away back.
Q Were you married to her lawfully? A Yes sir, on records in Van Buren, Arkansas.
Q Where were you married to her? A Van Buren, Arkansas.
Q When? A '76 I think it was.
Q Who married you? A Ben Deckard, he was county clerk of the county at that time.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and your first wife, Lydia Hudson, for use in connection with the application you make in behalf of your minor child William O. Hudson.

- Q This application is for yourself and one child? A Yes sir.
Q How long has Lydia been dead? A She's been dead five years; close on to five years.
Q How long have you been married to Ella? A I have been married to her a little over two years.
Q Married to her under a license? A Yes sir.
Q Where? A Fort Smith, Arkansas.
Q Who married you? A Well now sir it was a Justice of the Peace married me last, but by referring to the marriage record at Fort Smith you will find it there; I have really forgotten the man's name.
Q Is your name or the name of this child for whom you make application to be found on any of the Cheetaw tribal rolls in Indian Territory? A No sir, not that I know of.
Q Did you ever make application to the Cheetaw tribal authorities in Indian Territory, for yourself or this child, to be admitted or enrolled as members of the Cheetaw tribe of Indians?
A No sir.
Q Did you in the year 1894 make application to the Commission to the Five Civilized Tribes for citizenship in the Cheetaw Nation under the act of Congress approved June 10, 1896? A No sir.

#4.

- Q Then neither you nor this child have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory have you? A No sir.
- Q Has any application of any description ever been made before to-day in your behalf or in behalf of your minor child, for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and minor child, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there and become citizens of the states might select land there upon certain conditions. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article?
A The fourteenth article?

- Q I have just quoted it to you in full; do you think you understand it? A Well, I believe I do, yes.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits thereunder? A Well, I don't know.
- Q Did any of them live back in the old Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I was always taught my grandfather was there at the time.
- Q William G. Wade? A Yes sir; no, hold on--I was always taught my great-grandfather was there at the time.
- Q What was his name? A I don't know.
- Q But your grandfather William G. Wade had left that country before the treaty was made? A I think he first stepped in Arkansas; I don't think he had moved away from there very long when the treaty was made.
- Q Do you know whether any of your Choctaw ancestors owned an improvement back there in the old Nation in Mississippi and Alabama in 1830 when the treaty was made? A I do not.
- Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A I don't know.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Do you know whether any of them ever claimed or received any land in Mississippi from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit? A I don't know.
- Q Do you know whether any of them ever received any benefits whatever as Choctaw Indians? A No.
- Q Or whether any of them were recognized members of the Choctaw tribe in the year 1830 when the treaty was made? A I don't know whether they were or not.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi, Colonel Wm. Ward, to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that

their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1846 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama or Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A I don't know but I don't think they ever did; if they did I never heard anything of it.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't believe I do.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A Yes sir, I think I can get - - you mean, if I understand it right, can I get any evidence.
- Q Do you know of any written evidence that would prove or tend to prove that any of your ancestors ever complied or attempted to comply with this treaty provision? A No sir.
- Q Have you any written evidence of any description with you at this time to offer in support of your application? A No sir.
- Q Have you any witnesses here to-day to testify in your behalf? A No sir, I haven't any here to-day.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from to-day and their testimony will be taken. If you should care to offer any written evidence at a later date, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A Why, not right at this time; nothing that I know of.
- Q Have you any brothers living? A Yes sir.
- Q How many? A I have about eight I think.
- Q What are their names? A Joseph G. is the oldest.
- Q Next one? A James F.

- Q Next one? A Charles T.
 Q Next one? A Andrew J.
 Q Next one? A Edward L.
 Q Next one? A D. P.---David P.
 Q Next one? A I believe that's all; I will have to count them and see; I was mistaken, there was only seven of we brothers.
 Q Have you any sisters? A I have two sisters living.
 Q What are their names? A One of them is named Barbara Ann.
 Q Barbara Ann what? A Hudson.
 Q Married? A No sir.
 Q Next one? A Amanda J. Watson.
 Q Any of these brothers or sisters been before the Commission?
 A No sir.
 Q Any brothers dead? A I have one dead- - -I have two dead; one was named Thomas B. and the other was an infant, he hadn't any name.
 Q Did Thomas B. leave children? A No sir, he died when he was about eighteen years old.
 Q Have you any deceased sisters? A Yes sir, had one but she was an infant.
 Q Has your mother any brothers living? A My mother?
 Q Yes? A No sir, her brothers are all dead as far as I can hear.
 Q Has she any living sisters? A She has one sister living if she hasn't died in the last eighteen or twenty months, that is, I heard she lived in Bates county, Missouri.
 Q What is her name? A Patience Tayler.
 Q Do you know her husband's name? A Lathan Taylor.
 Q Do you know the names of her children? A Well, I know the names of part of them; I don't know how many are alive; one named James Taylor, they live in there somewhere not far from Harrisonville.
 Q Remember any more of them? A There's one named Joe and one named Igou, and I think one of them has died.
 Q Do you know the names of any more of them? A One girl named Bettie.
 Q Did she marry? A Yes sir, she married a fellow by the name of Peely.
 Q How did any of your mother's deceased brothers leave children?
 A Yes sir; I would have to study- - -I can think of- -
 Q Give us the names of all of your mother's brothers? A Well, one of them was named Johnson Wade; one of them was named after my grandfather, William G. Wade, and one was named Squire Wade.
 Q Next one? A Now these three brothers are all that I know of, but all these men are dead, every one of them, but there's lots of their children.
 Q Give us the names of the children of her oldest brother who are living? A Daniel Wade and Lisbon Wade.
 Q Next one? A Well I think that's all I know at present.
 Q Have they been before the Commission? A No sir, I don't think they ever have.
 Q How many of the children of William G. Wade, Jr., are living?
 A He hasn't got but one.
 Q What is the name of that child? A Mary.
 Q Married name? A She married a fellow by the name of Canada.

#8.

- Q How are any of the children of Squire Wade living? A Yes sir one of them by the name of Boone Wade and a girl by the name of Zelma.
- Q Is she married? A I don't know whether she is or not; she wasn't when I heard of her last.
- Q Has any of them been before the Commission? A No sir, I don't know whether they have or not.
- Q How how many deceased sisters had your mother? A She's got three deceased sisters.
- Q What were their names; now, their married names if they are married? A One of them was Polly Durham.
- Q Next one? A Nancy McKinney.
- Q Next one? A Other one was Becky Feely.
- Q How many children did Mrs. Durham leave? A Why, she left about six or eight.
- Q How many of them are living now? A I think there's - - - I know of three living.
- Q What are their names? A One is named James and the other named Hiram and Byran.
- Q How many of the children of Mrs. McKinney are living? A I don't know.
- Q Give us the names of such as you remember? A I don't remember but one--Monroe McKinney.
- Q Is that all you remember? A I never was around them any.
- Q How many children did Mrs. Feely leave? A She left six.
- Q Are they all living now? A They are all down there in Texas, yes sir.
- Q What are their names? A One is named Harrison Feely and one Daniel Feely, that's the boys, and then Martha Miller.
- Q Next? A Samantha Colvin and Katie Colvin, that's all; there are only five instead of six.
- Q Have any of these cousins of yours ever been before the Commission to your knowledge? A No sir.
- Q You don't speak or understand the Choctaw language do you?
- A No sir.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; he has rather dark complexion and brown eyes; his hair, which is now streaked with gray, has the appearance of once being brown; has rather light mustache; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 16 day of August, 1902.

Albert G. McMillan
J. J. Smith
Notary Public.

COPY.

Will.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Washington L.
Hudson, et al., for identification as Mississippi Choctaws,
M.C.R. 6091

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Washington L. Hudson for himself and his minor child, William O. Hudson, under the following provision of the act of Congress approved June 28, 1898 (30 Stat. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant herein claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of William G. Ware, who is alleged to have been an one half blood Choctaw Indian, and that the minor applicant

herein applied for claims said rights by reason of being a descendant of the said William G. Wade, and also of Lydia Ross, who is alleged to have been an one sixteenth blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It is found that the name of one Capt. William Wade appears on page 71 of Volume VII American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Moshulatubbe's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The name of Capt. William Wade is also found on page 124 of the same record in "A list of claims allowed under the treaty in Mingo Moshulatubbee's District", but there is nothing in the testimony of the applicants herein which would tend to show that the William G. Wade through whom they claim is identical with the person whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession

of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William G. Wade, or Lydia Ross, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Washington L. Hudson and William O. Hudson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

Tams Bixby.

~~Chairman~~ Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

APR 20 1903

Muskogee, Indian Territory, March 30, 1903.

Washington L. Hudson,

Thackerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, in which you ask to be advised relative to the status of your claim as a Mississippi Choctaw and if you will be allowed a certificate of allotment until you can get more proof.

In reply to your letter you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor child as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to your right to be identified as such Mississippi Choctaws, but is now considering your case and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

At the present time yourself and child occupy the status of applicants for identification as Mississippi Choctaws whose rights to such identification have in no manner been determined.

It is not believed that you are at this time entitled to

W I H R

possessory rights of the tribal property of the Choctaw and Chick-
saw Nations.

Respectfully,

Chairman.

M.C.R. 6091.

COPY.

Muskegee, Indian Territory, April 20, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Washington L. Hudson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Washington L. Hudson and William O. Hudson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixie.
Chairman.

COPY.

Muskogee, Indian Territory, April 20, 1903.

Washington L. Hudson,

Thaskerville, Indian Territory.

Dear Sir:

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Washington L. Hudson, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Washington L. Hudson and William C. Hudson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office,

Washington L. Hudson,

-2-

and that at the expiration of said term the papers in the case,
together with such arguments, will be forwarded to the Secretary
of the Interior for his consideration in Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, May 6, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Washington L. Hudson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 20, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

(SIGNED)

JAMES GIBBY.

Chairman.

2 Spc.: M.C.R. 6091.

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29903.1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

COPY

Washington, Sept. 3rd, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the application of Washington L. Hudson, for identification of himself and his minor child, William O. Hudson, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on April 20th, 1903.

It appears from the record in this case that the applicants found their claims to the right of identification on the descent from William O. Wade, who is alleged to have been a half blood Choctaw Indian, a resident of Mississippi in 1830, he having been born in Choctaw County, and having complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830. It is also claimed that the child, Washington L. Hudson, has Choctaw blood through his mother, Lydia Hudson ne Ross, but as to the Choctaw ancestry of 1830 no information is given.

An examination of the records of this office has been

made with reference to the names of William G. Wade and Lydia Ross, and it is evident that neither William G. Wade nor any other person of the name of Wade was a beneficiary under the provisions of the Fourteenth Article; nor was any person of the name of Ross a beneficiary under the provisions of that Article. There were several persons of the name of Wade who were members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830. Enos Wade and John Wade received land under the provisions of the Nineteenth Article of the Choctaw Treaty, and Enos Wade, Henney Wade, Captain John Wade, Alfred Wade and William Wade were transported to Indian Territory by the United States Government at various times before March 1833.

The facts being as have been presented herein, I am of the opinion that the decision of the Commission rejecting the applicants was correct, and therefore recommend that it be approved.

Very respectfully,

W. A. Jones,
Commissioner.

E. B. H. - L. C.

COPY

D.C. 27349.
ITD. 6626-1903.
L.R.S.

WCF
KAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, September 28, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 6, 1903, you transmitted the record in the matter of the application for identification of Washington L. Hudson and his minor child, William O. Hudson, as Mississippi Choctaw Indians, including your decision of April 20, 1903, refusing the application.

The applicants base their claims to a right to identification as Mississippi Choctaw Indians on their descent from William O. Wade and Lydia Ross, it being alleged that said ancestors were Choctaw Indians.

The record in this case as well as the records of the Indian Office fails to show that either of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting September 3, 1903, the Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

The record has been carefully considered, the Department finds no reason to disturb your decision, and it

is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

COPY

M.C.R.6081.

Muskogee, Indian Territory, October 10, 1903.

Washington L. Hudson,

Thackerville, Indian Territory.

Dear Sir:

You are hereby notified that on the 28th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Washington L. Hudson, et al., of which decision you were advised by registered mail on the 20th, day of April, 1903.

Respectfully,

Jame Dixby.
Chairman.

M. C. H. 6091.

COPY

Muskogee, Indian Territory, October 10, 1903.

Mansfield, McMuray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Washington L. Hudson, et al., of which decision you were advised by mail on the 20th, day of April, 1903.

Respectfully,

(13 31 103)

Tame Dixie
Chairman.

For Identification as a Mississippi Choctaw.

Date

JUL 22 1902

Name Washington L. Hudson

Age 49 Blood 1/8

Post-Office Tracherville, N. T.

Father Gideon L. Hudson d

Mother Martha A. " d

Claims through mother

Wife - Ella Hudson d

No claim for wife.

Children:

Wm O. Hudson 7.

Mother Lydia Hudson d

Hudson child

Stenographer

A. G. McKillen

Choctaw MCR 6092

Mattie Boucher

MCR 6092

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mattie Boucher, et al.,
for identification as Mississippi Choctaws, M.C.R. 6092.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Mattie Boucher, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Mattie Boucher, et al., for identification as Mississippi Choctaws-----	2

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 22nd, 1908.

#6092.

—o—

In the matter of the application of Mattie Boucher for the identification of herself and her five minor children, Jeremiah B., Robert, Annie, Minnie L. and John S. Boucher, as Mississippi Choctaws.

No attorney.

Mattie Boucher, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mattie Boucher.
Q How old are you? A I will be thirty-eight years old next September—the 16th of next September.
Q How much Choctaw blood have you? A Well, you can count it.
Q I want you to tell me? A Well I don't know unless you help me.
Q What is your post office address? A Timpan, Shelby County, Texas.
Q How long have you lived in the state of Texas? A I was born and raised in the state of Texas.
Q Is your father living? A No sir.
Q What was his name? A Thomas Killingsworth.
Q Is your mother living? A No sir, my mother died when I was an infant.
Q What was her name? A Letitia A. Bussay.
Q That is her maiden name? A Yes sir, that was her maiden name.
Q Through which one of your parents do you get your Choctaw blood? A My mother.
Q How old was your mother when she died? A I couldn't tell you that.
Q Have you any idea? A No sir, I do not.
Q Were you her eldest child? A No sir, there was three more besides me.
Q Where was your mother born? A In Alabama.
Q What county? A I don't know what county.
Q How long did she live there? A I couldn't tell you that. She died when I was an infant.
Q Through which one of her parents did she get her Choctaw blood? A Her father.
Q What was his name? A His name was Bussay. I don't know his given name; I couldn't tell you that.
Q When did he die? A He died, I couldn't tell you what year it

#2.

- was now, but he died since my mother died.
- Q How old was he when he died? A I think he was eighty-two years old when he died; I wouldn't say positive.
- Q About how old were you when he died? A I was about fourteen years old when he died.
- Q And you can't remember his given name? A No sir, I don't; I couldn't tell you to save my life what it was.
- Q Do you know how much Choctaw blood he had? A He was one quarter.
- Q Well then you would be one-sixteenth wouldn't you? A Yes sir.
- Q Through which one of his parents did your grandfather Bussey get his Choctaw blood? A I don't know.
- Q Do you know the names of any of your Choctaw ancestors further back than your grandfather Bussey? A No sir, I don't know any further back than my grandfather Bussey; that's all the further back I can tell.
- Q Was your mother ever recognized or enrolled in any manner as a member of the Choctaw tribe of Indians in Indian Territory?
- A Not that I knew of.
- Q What was the name of your mother's mother? A My mother's mother?
- Q Yes? A She was a - - - -
- Q Her given name? A I don't know her given name.
- Q Do you know whether your mother's mother and father were lawfully married? A Yes sir.
- Q How long did they live together as husband and wife? A Until she died.
- Q How many years? A I don't know; they were both old then; I was quite small and don't remember.
- Q How many children were born to them? A I think they had seven or eight, I wouldn't be positive which; I couldn't tell you; see I was quite small and I don't remember.

It will be well for you to furnish the Commission with evidence of the marriage of your mother's father and mother, and you will be allowed a period of fifteen days from this date in which to furnish such evidence.

- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Boucher---G. G. Boucher.
- Q What is that first "G" for? A Gadi Gray Boucher.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q How many children have you living? A Five living.
- Q What are their names and ages, the oldest first? A Jeremiah D.
- Q How old is he? A He will be fifteen years old the 18th of the coming March.
- Q Next one? A Robert Boucher.
- Q How old is Robert? A He will be thirteen years old the 23rd of this coming September.
- Q Next one? A Annie Boucher.
- Q How old is she? A Seven years old last May.

#3.

- Q Next one? A Minnie L.
Q How old is she? A She was four years old the 19th of last January.
Q Next one? A John C. Boucher.
Q How old? A He will be a year old the 29th of March.
Q Is that all of your children? A Yes sir, that's all I have living; I have one dead.
Q Are all these children living with you at this time? A Yes sir.
Q Are they all the children of yourself and Gadi Gray Boucher?
A Yes sir.
Q This application then is for yourself and five minor children; is that correct? A Yes sir.
Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
A No sir, not that I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or any one of these children, for the purpose of establishing your rights as Choctaw Indians?
A No sir.
Q Did you or any one for you in the year 1836 make application to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children? A No sir.
Q Then neither you nor any one of these children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory have you?
A No sir.
Q Is this the first application of any description which has ever been made for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A Yes sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and five minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama, to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old Nation might receive land back there from the government? It is as follows:

#4.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article? A Not exactly all of it I don't.

Well, I will try to make it clear to you. In case a Choctaw who might have been living back in the old Nation in Mississippi and Alabama in the year 1830, when the treaty of Dancing Rabbit Creek was made, decided that he preferred to remain there and take land under this fourteenth article and become a citizen of the states, he was required by the terms of that article to let the agent of the government in Mississippi at that time, who was Colonel Wm. Ward, know within six months from the time the treaty was ratified, that he wanted to stay there and become a citizen of the states and take land. He was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each unmarried child living with him over ten years of age; and a quarter section to each child under ten years of age, to adjoin the location of the parent. Now the reservations for these Indians were required in each and every instance to include the improvement of the head of the family as it existed on September 27, 1830, the day the treaty was ratified, or a portion of it. Now if these Indians lived on that land intending to become citizens of the states for five years from February 24, 1831, the day the treaty was ratified, they were entitled to a grant in fee simple to the land, that is, the government would give them deeds or patents to the land and it would become the property of the Indians to dispose of at their pleasure. The last clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is, if an Indian decided that he would stay back in Mississippi and take land back there under this fourteenth article, he should not, by reason of his having

ing done so, lose the privilege of a Choctaw citizen, but if he ever moved out west to the new Nation he was not to be entitled to any portion of the Choctaw annuity." This Choctaw annuity was money which became due to the Choctaws each year from the government under treaty provisions.

- Q Do you understand that fourteenth article? A Yes sir, I understand it.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir, I don't know.
- Q Did any of them live back in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir, not as I know of.
- Q Did any of them own an improvement at that time--in 1830? A Yes sir, my grandfather did, I think he did.
- Q Where? A I couldn't tell you what county it was unless I could get his old book.
- Q Do you know that he owned an improvement there in that particular year--1830? A No sir, I don't know that he owned an improvement there in that year; I couldn't tell you that I know it, for I don't.
- Q Do you know whether he or any other of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A No sir.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir, I do not.
- Q Do you know whether any of them ever claimed or received any land in Mississippi or elsewhere, from the government under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I do not.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent in the state of Mississippi, Colonel Wm. Ward, to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land under this article. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners whose duty it should be to go

down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?
A No sir, not that I know of.
Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No sir, not as I know of.
Q And you don't know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made, or not?
A No sir, I don't know.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know that they ever did.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence to offer at this time in support of your application. A No sir.
Q Have you any witnesses here to-day? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from to-day and their testimony will be taken; or, if you should find any written evidence which you desire to offer in support of your application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make in support of your application? A No sir.
Q Do you speak or understand the Choctaw language? A No sir, I don't understand it or speak it either.

- Q Have you any brothers living? A Have two.
- Q What are their names? A Jim Killingsworth and Lee Killingsworth.
- Q Have they been before the Commission? A No sir.
- Q Have you any sisters? A One sister.
- Q What is her name--married name if she's married? A Mary McFarland.
- Q Has she been before the Commission? A Not that I know of; I haven't heard from her in about seven years.
- Q Have you any brothers or sisters deceased? A One brother.
- Q How old was he at the time of his death? A He was eleven years old.
- Q Has your mother any brothers or sisters living? A The last account I had of them she had one brother living.
- Q What was his name? A Bill Bussey. I don't know whether he's living or not.
- Q How many brothers did your mother have? A She had three.
- Q Did the other two leave children? A Yes sir.
- Q What is the name of the oldest one of your deceased brothers? A I don't know.
- Q Are any of his children living? A I reckon there is; I could not say that there was.
- Q Do you know their names? A No sir, I don't know their names.
- Q What was the name of your mother's other deceased brother? A John Bussey.
- Q How many children did he leave? A I couldn't tell you how many he left.
- Q Do you know the names of any of them? A Yes sir, I knew the name of the first--the oldest one--Annie Bussey.
- Q Was she married? A No sir, not the last time I knew her.
- Q Don't know the names of any of the others? A No sir.
- Q Has your mother any deceased sisters? A Yes sir, she has one.
- Q What was her name? A Sarah Ann.
- Q Did she leave children? A No sir, I don't think she left any.
- Q What was her married name if she was married? A She was married, but I forgot the name--Bowles was the name; she married a Bowles.

This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood, although she has dark hair and dark complexion; she has brown eyes; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 16th day of August, 1902.

Albert G. McMillan
Notary Public.

Cover.
COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mattie Boucher, et al.,
for identification as Mississippi Choctaws, M. C. R. 6092.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mattie Boucher for herself and her five minor children, Jeremiah D., Robert, Annie, Minnie L., and John C. Boucher, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Luitia A. Killingsworth, nee Bussey, the mother of the principal applicant, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

The applicants attempt to trace their Choctaw ancestry to

the grandfather of the principal applicant, who is alleged to have been an one-quarter blood Chectaw Indian, and to have been sur-named Bussey, but as the given name of said ancestor is not stated, it is impossible for the Commission to determine whether or not he was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek".

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Chectaw tribal authorities as a member of the Chectaw tribe, or admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that Luitia A. Killingsworth, nee Bussey, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie

Boucher, Jeremiah D. Boucher, Robert Boucher, Annie Boucher, Minnie L. Boucher and John C. Boucher as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Dixty.

Acting Chairman.

(SIGNED).

I. E. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 21 1902

COPY

M.O.R. 6092

Muskegee, Indian Territory, January 21, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Boucher, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Boucher, Jeremiah D. Boucher, Robert Boucher, Annie Boucher, Minnie L. Boucher and John C. Boucher as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 21, 1903.

Mattie Boucher,
Timson, Texas.

Dear Madam:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Boucher, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Boucher, Jeremiah D. Boucher, Robert Boucher, Annie Boucher, Minnie L. Boucher and John C. Boucher as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case to-

N.B. #2

gether with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

T. C. Hendler.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mattie Boucher, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 21, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.
2 Enc. M.C.R. 6092

C. R. Breckinridge.
Commissioner in Charge.

Land.
10100-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

March 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Mattie Boucher, for herself and her five children, Jeremiah D., Robert, Annie, Minnie L., and John C. Boucher, wherein a decision adverse to the applicants was rendered by the Commission on January 21, 1903.

An examination of the evidence in this case has been made by the office, and it appears that the claim to identification is founded on the descent of the applicants from one -----Bussay, grandfather of the principal applicant, whose first name is not known, and who, it is alleged, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission makes its decision adversely to these applicants for the reason that Letitia A. Killingsworth nee Bussey is not included in its list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made for the name of Bussey and it is not found among those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

E.B.H. H'r.

3 enclosures.

The Commission makes its decision adversely to these applicants for the reason that Lutitia A. Killingsworth nee Bussey is not included in its list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made for the name of Bussey and it is not found among those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C.8997-1903
I.T.D.2489-1903.

C O P Y.
P.H.B.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

March 27, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 6, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Mattie Boucher (M C B 6092), for herself and her five minor children, Jeremiah D., Robert, Annie, Minnie L., and John C. Boucher, including your decision of January 21, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Lutitia A. Killingsworth, nee Bussey, the mother of the principal applicant, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated, and of one ----Bussey, grandfather of the principal applicant, whose first name is not known, and who is alleged to have been an one-quarter blood Choctaw Indian.

The records fail to show that these applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or

with the subsequent acts relating thereto.

Reporting in the matter March 8, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

THOMAS. RYAN,

Acting Secretary.

1 inclosure.

M. O. B. 6092.

COPY.

Muskogee, Indian Territory, April 6, 1903.

Mansfield, McMurray & Gornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Mattie Boucher, et al., of which decision you were advised by mail on the 21st day of January, 1903.

Respectfully,

SIGNED
C. R. Breckinridge,
Commissioner in Charge.

M.C.R. 6092.

COPY.

Muskogee, Indian Territory, April 6, 1903.

Mattie Boucher,
Timson, Texas.

Dear Madam:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Mattie Boucher, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

W. B. B. B.

C. R. Breckinridge.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

JUL 22 1902

Date

Name *Mattie Boucher*

Age *37* Blood *1/16*

Post-Office *Timson, Tex.*

Father *Thomas Killingsworth*

Mother *Lutitia A " d*

Claims through *mother*
~~husband~~
Gadi Gray Boucher L
No claim for ~~husband~~

Children:

<i>Jeremiah L Boucher</i>	<i>14</i>
<i>Robert</i>	<i>" 12</i>
<i>Annie</i>	<i>" 7</i>
<i>Minnie L</i>	<i>" 4</i>
<i>John C</i>	<i>" 1</i>

Stenographer *A. G. McMillan*

Choctaw MCR 6093

Alfred Green

See MCR 6094, 6095

MCR 6093

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Alfred Green, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:-

Alfred Green, et al.,	M.C.R. 6093
Mary W. Taylor, et al.,	M.C.R. 6094
Thomas B. Green, et al.,	M.C.R. 6095

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Alfred Green, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Mary W. Taylor, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	9
Original application of Thomas B. Green, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	16
Decision of the Commission refusing the ap- plications in the consolidated case of Alfred Green, et al., for identification as Missis- ippi Choctaws-----	22

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 22nd, 1902.

#6092

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In the matter of the application of Alfred Green for the identification of himself and his three minor children, Alfred D., Isaac P., and Bera P. Green, as Mississippi Choctaws.

No attorney.

Alfred Green, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Alfred Green.
Q How old are you? A Well, I was born in '85, the 15th day of March.
Q How much Choctaw blood have you? A Well, I reckon about one-eighth.
Q What is your post office address? A Burns, Oklahoma.
Q How long have you lived in Oklahoma? A Well, I reckon somewhere near nine years.
Q Where did you live before that? A Lived in Texas.
Q How long did you live in the state of Texas? A When I came to Texas I was two years old.
Q And you lived there until you went to Oklahoma did you?
A Yes sir.
Q Where were you born? A Born in Mississippi.
Q What county? A I couldn't tell you what county.
Q Is your father living? A No sir.
Q What was his name? A Aaron Green.
Q Your mother living? A No sir.
Q What was her name? A Mary Green.
Q Through which one of your parents do you get your Choctaw blood?
A Mother.
Q Where was your mother born? A Well, now I can't tell you where she was born.
Q Do you know where she lived for a period of five or six years immediately prior to your birth? A Mississippi.
Q Did she have any children older than you? A Yes sir.
Q How many? A Well, I would have to sorta count them up.
Q Well tell us about how many? A Had six I believe.
Q Older than you? A Yes sir.
Q Were any of them twins? A Not older than me.
Q None of the older children were twins? A No sir.
Q What was your mother's maiden name? A Named Mary West.
Q She was a quarter blood Choctaw was she? A Yes sir.
Q Through which one of her parents did she get her Choctaw blood?
A Well, it was through her father.
Q What was his name? A Well I can't tell you.

- Q What was your mother's mother's name? A I don't know.
- Q You don't know then the name of any one of your Choctaw ancestors further back than your mother? A No sir.
- Q You don't know anything about where they lived? A No sir.
- Q Was your mother ever in Indian Territory? Did she ever live in Indian Territory? A No sir.
- Q Then she was never recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory was she? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Named Elizabeth.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her then do you? A No sir.
- Q Have you any children who are under age and unmarried? A Yes sir.
- Q How many? A Three.
- Q What are their names and ages, the oldest first? A I have got their ages here.
- Q Give us the name of your eldest child who is under age? A Alfred B.
- Q How old? A Well, he's going on twenty-one.
- Q Not married? A No sir.
- Q The next one? A Isaac P.
- Q How old? A He's about eighteen.
- Q Next one? A Bera P.
- Q How old? A She's about between fifteen and sixteen.
- Q Are these children living with you at this time? A Yes sir.
- Q Are they all the children of yourself and Elizabeth Green? A Yes sir.
- Q This application then is for yourself and three minor children? A Yes sir.
- Q Were you married to Elizabeth under a license? A Yes sir.
- Q When? A '89, the 14th day of January.
- Q Where? A Hill county, Texas.
- Q By whom? A John Grimes.
- Q What official position did he hold at that time? A Justice of the Peace.
- Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and your wife Elizabeth for use in consideration of the application made by you in behalf of your three minor children. You will be allowed a period of fifteen days from this date in which to furnish such evidence.

- Q Have you any children who are of age and married? A Yes sir.
- Q How many? A I have four.
- Q What are their names; if they are daughters and married, give their married names? A Margaret Moore.
- Q Next one? A Mary Tayler.
- Q Next one? A Tempie Jackson.
- Q Next one? A Nancy Hughes. And I have a boy named Thomas B.; he's married.
- Q Have you given us the names of all of your living children?

#3.

A Yes sir.

Q Have you any deceased children? A Yes sir.

Q How many? A About seven.

Q Did any one of them leave children? A No sir.

Q Have you been married more than once? A No sir.

Q Has your wife? A No sir.

Q Is your name or the name of any one of these three children for whom you make application to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or any one of these children, to be admitted or enrolled as members of that tribe? A No sir.

Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation, for yourself or any one of these minor children? A No sir.

Q Then neither you nor any one of your minor children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory have you? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and three minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory.

Q Do you understand what I said so far? A Well I am hard of hearing and that child makes so much noise and I have got a fearful headache on top of it.

For the benefit of these Indians who preferred to remain back there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in Mississippi and take land and not move out west to the new Nation might receive land there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of

#4.

one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you think you understand that fourteenth article?

A Well, only just tolerable; I am tolerably hard to understand anything, and suffering with my head so bad it bothers me right smart.

I will try to explain it to you so you will understand it clearly. In case a Choctaw who might have been living back in there in Mississippi and Alabama in the old Nation in the year 1830, when this treaty was made, decided that he wanted to stay there and not move out west to the new nation, he had the right to select land in Mississippi--receive it from the government upon certain conditions. First, he was required to let the Agent of the government out there at that time, named Colonel Wm. Ward, know within six months from February 24, 1831, the day the treaty was ratified, that he wanted to stay there and become a citizen of the states and take land. He was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and he was entitled in like manner to a half section for each unmarried child which was living with him over ten years of age at the time the treaty was made; and for each child in his family who was under ten years of age at the time the treaty was made he was entitled to one hundred and sixty acres, or a quarter section, the reservations of these children were required in every instance to adjoin the location of the parent, and the reservations so made for these Indians under the fourteenth article were required in every instance to include the improvement of the head of the family as it existed on the 27th day of September, 1830, the day the treaty was made, or a portion of that improvement. Now if these Indians lived on this land intending to become citizens of the states for five years after the ratification of this treaty, in this case, the government would give them a deed or patent to the land and it would become the property of the Indian to dispose of at his own pleasure. The last clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is, an Indian who stayed back there in Mississippi in 1830 and took land under that fourteenth article should not, by reason of his having done so,

lose the privilege of a Choctaw citizen, but if he ever decided later to come out to the new Nation and resume his relationship with the tribe he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due to the Choctaw Indians each year from the government of the United States under treaty provisions.

- Q Do you think you understand that fourteenth article now? A Well I reckon I understand it pretty well.
- Q Did any of your Choctaw forefathers or ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No sir, not that I know of.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Yes sir.
- Q Who lived there? A Well, my mother lived there and my father.
- Q Well that was about five years before you were born? A Yes sir.
- Q Your mother was living at that time was she? A Yes sir.
- Q She was married at that time wasn't she? A Yes sir.
- Q Do you know whether she owned an improvement there at that time? A No sir, I don't.
- Q Do you know whether she within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the government in Mississippi for the Choctaws know that she wanted to stay there and become a citizen of the states and take land? A No.
- Q Do you know whether she was in fact at that time a recognized member of the Choctaw tribe of Indians? A No sir.
- Q Do you know whether she or any other of your Choctaw ancestors ever claimed or received any land from the government under the fourteenth article of the treaty of Dancing Rabbit Creek? A None that I know of.
- Q Did she or any other of your Choctaw ancestors ever move to the present Choctaw Nation in Indian territory? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the government under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in

#6.

all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

An act approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress?
A No sir.
Q Then if any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article or ever received any benefits of any description thereunder you never heard of it? A No sir, never heard of it.
Q Never heard of any of your people ever having gotten any land or money from the government as Indians? A No sir.
Q Any further statements you want to make at this time in support of your application? A No sir.
Q Do you know of any real old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A No sir.
Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
Q Have you any witnesses here to-day to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskegee within fifteen days from to-day and their testimony will be taken; or if you should discover any written evidence of any description it may be presented within fifteen days from to-day and will receive the consideration of the Commission.

- Q Have you any brothers living? A Yes sir, I have one.
Q What is his name? A John.
Q Where does he live? A He's living in Bosque county, Texas.

#7.

- Q Has he ever been before this Commission? A No sir.
- Q Have you any sisters living? A Well, I cant say that I have; was the last time I heard of her; some fifteen or twenty years ago.
- Q What was her name? A Lived in Polk county, eastern Texas.
- Q What was her name? A Name was Ann Nixon.
- Q Have you any deceased brothers? A Yes, I have four.
- Q What were their names? A Thomas Cell Green.
- Q Next one? A Ellis.
- Q Next one? A Jimmie.
- Q Next? A Benjamin.
- Q Now did any of them leave children; any of these brothers leave children? A Yes sir, all left children but one there; one died before he ever married.
- Q What was his name? A Jimmie.
- Q How many children did Thomas Cell leave? A Only left one.
- Q Is that child living to-day? A I couldn't tell you.
- Q What was the child's name? A Sarah.
- Q Was she ever married? A I don't know.
- Q How many children did Ellis leave? A Well, I couldn't tell you. He left four I believe.
- Q Are they all living now? A I couldn't tell you.
- Q Do you remember their names? A Well, there's one of them--- Tiny and other Catherine and Johnnie and Wannie.
- Q Do you know whether any of them were ever married or not? A Yes sir, I heard they were all married.
- Q Do you know the married names of the girls? A No sir.
- Q How many children did Benjamin leave? A He left three.
- Q Do you remember their names? A I only remember two of them-- Joe Ben and Thomas.
- Q Did you ever have any sisters who are now dead? A I have four.
- Q Did any of them leave children? A Yes sir, all left children
- Q What is the name of the oldest one of your deceased sisters? A Her name was Sarah.
- Q Sarah what? A Sarah Cobble.
- Q How many children did she leave? A I couldn't tell you-how many she did leave.
- Q Do you know their names? A It's been so long, I don't believe I do.
- Q What is the name of the next one of your deceased sisters? A Catherine Hughes.
- Q Did she leave any children? A Yes sir.
- Q How many? A One.
- Q Is that child living? A Yes, was last account I had.
- Q Name? A Jimmie.
- Q Next one of your deceased sisters? A Nancy Epps, married a Williams.
- Q How many children did she leave? A Left four children.
- Q Was she married twice? A No sir, her given name was Nancy Epps, married Williams.
- Q Are any of her children living? A I don't know.
- Q Do you know their names? A There's William and George and Katie, and the young one I couldn't tell you.
- Q What is the name of the next one of your deceased sisters? A Mary West.

#3.

- Q How many children did she leave? A She never married.
Q That's all of your deceased sisters is it? A Yes sir.
Q How have any of these nieces or nephews named by you ever been before the Commission to your knowledge? A No sir.
Q You don't speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; his hair and beard which are now gray, show indications of having once been dark; has rather dark complexion and brown eyes; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

- - - - -

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16th day of August, 1902.

J. R. Renter
Notary Public.

402.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Alfred Green, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Alfred Green, et al.,	M.C.R. 6093
Mary W. Taylor, et al.,	M.C.R. 6094
Thomas B. Green, et al.,	M.C.R. 6095

---D E C I S I O N---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Alfred Green for himself and his three minor children, Alfred D.,
Isaac P. and Dora P. Green; by Mary W. Taylor for herself and her
four minor children, Rory A., Susan T., Margaret A. and Cora L.
Taylor; and by Thomas B. Green for himself and his two minor chil-
dren, Thomas R. and Katie E. Green, under the following provision of
the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Mary Green (or Mary W. Green) (nee West or Littlepage), who is alleged to have been an one-fourth blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Green (or Mary W. Green) (nee West or Littlepage), signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adju

date such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alfred Green, Alfred D. Green, Isaac P. Green, Dora P. Green, Mary W. Taylor, Roxy A. Taylor, Susan T. Taylor, Margaret A. Taylor, Cora L. Taylor, Thomas B. Green, Thomas R. Green and Katie E. Green, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

James Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 6 1903

M C R 6093.

COPY.

Muskogee, Indian Territory, January 6, 1903.

Alfred Green,

Burns, Oklahoma

Dear Sir:-

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alfred Green, et al., embracing the following applications for identification as Mississippi Choctaws:

Alfred Green, et al.,	M.C.R. 6093,
Mary W. Taylor, et al.,	M.C.R. 6094,
Thomas B. Green, et al.,	M.C.R. 6095.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alfred Green, Alfred D. Green, Isaac P. Green, Dora P. Green, Mary W. Taylor, Romy A. Taylor, Susan T. Taylor, Margaret A. Taylor, Cera L. Taylor, Thomas B. Green, Thomas R. Green and Katie E. Green, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A. G. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixie
Acting Chairman.

Registered.

M.C.R. 6093.

Muskogee, Indian Territory, January 6, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alfred Green, et al., embracing the following applications for identification as Mississippi Choctaws:

Alfred Green, et al.,	M.C.R. 6093,
Mary W. Taylor, et al.,	M.C.R. 6094,
Thomas B. Green, et al.,	M.C.R. 6095.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alfred Green, Alfred D. Green, Isaac P. Green, Dora P. Green, Mary W. Taylor, Rary A. Taylor, Susan T. Taylor, Margaret A. Taylor, Cora L. Taylor, Thomas B. Green, Thomas R. Green and Katie E. Green, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the

N. M. & C. # 2.

papers in this case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James T. Smith
Acting Chairman.

COPY

M.C.R. 6098

Muskogee, Indian Territory, January 22, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Alfred Green, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 6, 1908.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Alfred Green, et al.,	M.C.R. 6093
Mary W. Taylor, et al.,	M.C.R. 6094
Thomas B. Green, et al.,	M.C.R. 6095

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Through the Commissioner
of Indian Affairs.

1 enclosure, M.C.R. 6093.

Commissioner in Charge

(COPY)

Land
6028-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

March 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Alfred Green, for himself and his three minor children, Alfred D., Isaac P. and Bera P. Green; Mary W. Taylor, for herself and her four children, Rezy A., Susan T., Margaret A. and Cera L. Taylor; Thomas B. Green, for himself and his two children Thomas R. and Katie E. Green, wherein a decision adverse to the applicants was rendered by the Commission on January 6, 1903.

The office has examined the evidence in this case and finds that the claim to identification rests on the descent of the applicants from Mary Green, nee West or Littlepage, who, it is alleged, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The decision of the Commission rejecting these applicants states that the name of Mary Green (or Mary W. Green) nee West or

Littlepage, is not found in the Commission's record of those parties who complied or attempted to comply with the provisions of the 14th article of the treaty of dancing Rabbit Creek made with the Chectaw Indians in 1830.

A search of the records of this office has been made for the name of Mary Green, nee West or Littlepage, and it is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Chectaw treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

W.C.B. H'r.

(COPY)

D C 9007-1903.

DEPARTMENT OF THE INTERIOR.

RAF.

ITD.2500-1903.

Washington.

L. R. S.

March 28, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

January 22, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Cheetaws, of Alfred Green and his minor children, Alfred D., Asaac P. and Dora P. Green; of Mary W. Tayler and her minor children, Roxy A., Susan T., Margaret A. and Cera L. Tayler; and of Thomas B. Green and his minor children, Thomas R. and Katie E. Green. You denied the applications January 6, 1903.

The applicants claim rights in Cheetaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Mary Green (or Mary W. Green, nee West or Littlepage), alleged to have been a one-fourth blood Cheetaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Cheetaw Nation, or that said Mary Green complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 515).

-2-

Reporting March 2, 1905, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed herewith.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alfred Green, et, al., of which decision you were advised by mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

C. R. Breckinridge

Commissioner in Charge.

M C R 6093

COPY.

Muskogee, Indian Territory, April 6, 1903.

Alfred Green,

Burns, Oklahoma.

Dear Sir:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alfred Green, et al., of which decision you were advised by registered mail on the 6th day of January 1903.

Respectfully,

SIGNED

C. R. Breckinridge

Commissioner in Charge.

Consolidated Case
of
Alfred Greenhalgh

6093

or Mary West Littlepage

Mary West
(dead)
mar
Aaron Green
dead

mer
6093

Alfred Green 67- $\frac{1}{4}$
wife
Elizabeth Green

mer
6095

Thomas B. Green 29- $\frac{1}{16}$
wife
Ida B. Green

Margaret E. Green
mar
Moore

Temple Green
(or Susan T. ")
mar
Jackson

Nancy A. Green
mar
Hughes

mer
6093

Alfred D. Green 20
Isaac P. Green 18
Dora P. Green 15

mer
6294

Mary W. Green 43- $\frac{1}{16}$
mar
Jim Taylor

mer
6094

Roxy A. Taylor 17
Susan T. Taylor 14
Margaret A. Taylor 10
Cora L. Taylor 3

Minnie Lou Taylor
mar
Duncan

mer
6095

Thomas R. Green 2
Katie E. Green 1

Brothers
Sisters
88 Alfred Green

Catherine Green ^{mar} Hughes	Jimmie Hughes
Nancy Eps Green ^{mar} Williams	William Williams George Williams Kate Williams

Mary West Littlepage
^{mar}
Aaron Green
(dead)

Alfred Green	
John Green	
Thomas Cell Green dead	Sarah Green

Ellis Green	Timmy Green Catherine Green Johannie Green Nannie Green
-------------	--

Benjamin Green	Joe Green Ben Green Thomas Green
----------------	--

Ann Green
^{mar}
Mixon

For Identification as a Mississippi Choctaw.

Date JUL 22 1902

Name Alfred Green

Age 67 Blood 1/8

Post-Office, Burney Okla

Father: Aaron Green d

Mother: Mary " d

Claims through mother.

wife of Elizabeth Green L

No claim for wife.

Self and 3 children

Children:

Alfred L. Green 20

Isaac P. " 18

Lora P. " 15

Xenographer

A. G. McMillan

Choctaw MCR 6094

Mary W. Taylor

See MCR 6093

MCR 6094

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 22nd, 1902.

#6024

—40—

In the matter of the application of Mary W. Taylor for the identification of herself and her four minor children, Remy A., Susan T., Margaret A., and Cera L. Taylor, as Mississippi Choctaws.

No attorney.

Mary W. Taylor, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mary W. Taylor.
Q How old are you? A Forty-three.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address, where do you get your mail?
A Roosevelt, Oklahoma.
Q How long have you lived in Oklahoma; about how long? A I reckon about ten years.
Q Where did you live before you went to Oklahoma? A Texas.
Q How long? A I was born and raised in Texas.
Q Is your father living? A Yes sir.
Q What is his name? A Alfred Green.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth.
Q Through which one of your parents do you get your Choctaw blood?
A Father.
Q Is the Alfred Green who appeared before the Commission here this morning your father? A Yes sir, he's my father.
Q Through which one of his parents does he get his Choctaw blood?
A Mother.
Q What was her name? A Mary W. Green.
Q Her maiden name was West was it? A Yes sir, Mary West; Littlepage was her name before she married.
Q Was her father's name Littlepage or West? A No, her given name is Mary West.
Q And her father's name was Littlepage? A Yes sir.
Q Sure of that are you? A Yes sir, her given name is Mary West Littlepage.
Q Do you know anything about her residence—where she lived or where she was born? A No sir, I don't.

It will be necessary that the Commission be furnished with evidence of the marriage of your father and mother, and fifteen days from this date will be allowed in which to furnish such evidence. Your father who made application in behalf of minor children this morning, was requested to furnish this proof. If it is furnished in his case it will not be necessary to furnish it in your case. It is only necessary that it be furnished in the case of one member of your family. You may decide among yourselves who shall file this evidence.

- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
 A I didn't understand.
 Q Well was his name ever put on the Indian rolls down there?
 A No sir.
 Q And he never lived among the Indians there did he? A No sir.
 Q Are you married? A Yes sir.
 Q Is your husband living? A Yes sir.
 Q What is his name? A Tayler.
 Q Given name? A Jim Taylor.
 Q Has he any Choctaw blood? A No sir.
 Q You make no claim for him then? A No sir.
 Q How many children have you living who are under twenty-one years of age and not married? A I have four.
 Q That all? A Yes, yes four, there's one married.
 Q What are the names of your four minor children? A Raxy A. Girl? A Yes sir.
 Q How old? A Seventeen.
 Q Next one? A Susan T.
 Q How old is Susan? A Fourteen.
 Q Next one? A Margaret A.
 Q How old is she? A Ten years old.
 Q Next one? A Cora L.
 Q How old is she? A She's three.
 Q Is that all of your children? A Yes sir, and I have one married.
 Q What is the name of your married child? A Minnie Lou.
 Q What is her married name? A Duncan.

Being married, she will have to appear in her own behalf; you can only be permitted to make application in behalf of your minor unmarried children.

- Q You only have five children living then? A Yes sir, that's all.
 Q This application is in behalf of yourself and four minor children is it? A Yes sir.
 Q Is your name or the name of any one of your minor children to be found on any of the Choctaw tribal rolls in Indian Territory; by the tribal rolls I mean lists of names of Indians that belong to the Choctaw tribe down here in the Indian Territory?
 A I didn't understand.
 Q Well, a roll is simply a list of the members of the Choctaw tribe of Indians that the Indians make up themselves; then the names of your children are not on these rolls then? A No sir.

#3.

- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or these children, to be admitted or enrolled as citizens of that Nation? A No sir.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children? A No sir.
- Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory have you? A No sir.
- Q Has any application of any description ever been made before today for you or any one of these children, for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and four minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the old Nation back there in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

44.

Q Do you think you understand that fourteenth article? A I don't know whether I do exactly or not.

I will explain it to you now fully so you will understand it.

In case a Choctaw, who might have been living down there in the old Choctaw Nation in Mississippi and Alabama seventy-two years ago when this treaty was made, decided that he wanted to stay there in the old Nation and not move out west here to Indian Territory, he had a right to receive certain land there from the government upon certain conditions. He was required first to let the Agent which the government had there in 1831, know within six months from February 24, 1831, that he wanted to stay there and become a citizen of the states and take land. After he had thus notified the Agent, whose name was Colonel Wm. Ward, he was entitled to a reservation of one section of six hundred and forty acres of land, or a piece of land one mile square; and for each child which was living in his family over ten years of age on the 27th day of September, 1830, he was entitled to an additional half section; and for each child living in his family that was under ten years of age the day the treaty was made, he was entitled to a quarter section or one hundred and sixty acres of land. The reservations of these children were required to adjoin the location of the parents, and the reservations so made for these Indians under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek were required, in each instance, to include the improvement of the head of the family as it existed on September 27, 1830, or a portion of that improvement. Now if the Indian lived on this land intending to become a citizen of the states for five years after the ratification of the treaty, that is, five years from February 24, 1831, he was entitled to a grant in fee simple to the land. That is, the government would give him a deed or patent to the land and it would become the property of the Indian to dispose of at his own pleasure. The last clause of that fourteenth article is: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That means simply that an Indian who stayed back there in Mississippi in 1830 and took land under the fourteenth article of the treaty, did not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever moved out to the new Nation here in Indian Territory, later, he was not to be entitled to any portion of the Choctaw annuity." The Choctaw annuity is money which becomes due to the Choctaw Indians in Indian Territory each year from the government of the United States under treaty provisions.

Q You understand that fourteenth article now don't you? A No sir.

Q Did any of your forefathers comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits under it; do you know whether they did or not? A No, I don't reckon they ever did; I may understand you wrong.

#5.

- Q By forefathers I mean your parents or grandparents; now did any of them live back there in the old Nation in Mississippi or Alabama in 1830 when the treaty was made? A I don't know.
- Q Did any of them own an improvement back there at that time?
- A Not as I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek let Colonel Wm. Ward, the Agent of the government there in Mississippi at that time, know that they wanted to stay there and become citizens of the states and take land?
- A Not that I know of.
- Q Did any of them ever claim or receive any land in Mississippi or Alabama from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A Not that I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time that the greater portion of the Choctaw tribe removed between the years 1833 and 1838? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent, Colonel Wm. Ward, to register the names of such Choctaws as might desire to remain and become citizens of the states and take land. The records of the government show that Colonel Ward failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your forefathers appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A Not that I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled

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to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?
A Not that I know of.
Q So far as you know then none of your forefathers ever received any benefits as Choctaws? A Not that I know of.
Q You don't know whether any of them were in 1830 recognized members of the Choctaw tribe do you? A I don't remember anything about it.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts; do you know of any? A No sir.
Q Have you any written evidence of any kind to offer at this time in support of your application? A No sir.
Q Have you any witnesses here to-day to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from to-day and their testimony will be taken; or if you should discover any written evidence which you desire to offer in support of your application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application; anything further you want to say? A No sir.
Q Do you speak or understand the Choctaw language? A No sir.

Reference is hereby made to N O R 6093, Alfred Green et al., the principal applicant in said case being the father of the principal applicant in this case.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; she has rather dark hair and dark complexion and blue eyes; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

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47.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of July, 1908, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16th day of August, 1908.

J. R. Rutter

Notary Public.

M C R 6094.

COPY

Muskogee, Indian Territory, January 6, 1903.

Mary W. Taylor,

Remailed to Ada 9 T Dec 24/03
~~Roosevelt, Oklahoma.~~

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary W. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

Alfred Green, et al.,	M.C.R. 6093.
Mary W. Taylor, et al.,	M.C.R. 6094.
Thomas B. Green, et al.,	M.C.R. 6095.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alfred Green, Alfred D. Green, Isaac P. Green, Dora P. Green, Mary W. Taylor, Rary A. Taylor, Susan T. Taylor, Margaret A. Taylor, Cora L. Taylor, Thomas B. Green, Thomas E. Green and Katie E. Green, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. W. T. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman,

Registered.

Muskogee, Indian Territory, March 10, 1903.

J. A. Taylor,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you ask to be advised if Mrs. M. W. Taylor "is on the roll or not. She was inrolled in July, 1902."

In reply to your letter you are informed that it appears from the records of the Commission that Mary W. Taylor, forty-three years of age, residence Roosevelt, Oklahoma, wife of Jim Taylor, on July 22, 1902, made application to this Commission for the identification of herself and minor children as Mississippi Choctaws.

On January 6, 1903, the Commission rendered its decision refusing her application and on the same date she was notified by registered mail of the action of the Commission and that she was granted fifteen days from the date of said decision within which to file arguments in support of her claim to be transmitted to the Secretary of the Interior.

The fifteen days from January 6, 1903, heretofore granted in this case, expired on January 21, 1903. On January 22, 1903, the record in the case, together with the decision of the Commis-

F A T R

sion, was forwarded to the Secretary of the Interior. She will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

M C R 6094

COPY:

Muskogee, Indian Territory, April 6, 1903.

Mary W. Taylor,

Remailed to Ada 9 F Dec 24/03
~~Roosevelt, Oklahoma.~~

Dear Madam:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alfred Green et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED).

C. R. Breckinridge.

Commissioner in Charge.

N O R 6094

Muskogee, Indian Territory, December 24, 1903.

Mary W. Taylor,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 1, 1903, by reference from the Secretary of the Interior. You state that some negroes have filed on a place you have been living on for a year, and you ask to be advised whether or not you can hold this land.

In reply you are informed that it appears from our records that on March 28, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were duly advised in April 6, 1903.

The Commission now considers your case closed, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M C R 6094

Muskogee, Indian Territory, December 24, 1903.

Mary W. Taylor,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing letter from the Secretary of the Interior.

In your letter you state that you are continually disturbed by parties who claim to have filed on your place, and ask to be advised what you should do.

You are informed that on this date, in a separate communication, replying to your letter of the 1st instant, we advised you in regard to this matter.

The Secretary's letter is herewith returned.

Respectfully,

Chairman.

McM 26

For Identification as a Mississippi Choctaw.

Date

JUL 22 1902

Name Mary W. Taylor

Age 43

Blood

1/16

Post-Office, Roosevelt, Okla.

Father: Alfred Green L

Mother Elizabeth " L

Claims through father.
Husband Jim Taylor L

No claim for husband.

Children:

Roxy A. Taylor	17
Susan T.	14
Margaret A.	10
Cora L.	3

Self and 4 children.

Stenographer

A. G. M. Millan

Choctaw MCR 6045

Thomas B. Green

See MCR 6093

MCR 6095

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 22nd, 1902.

#0095

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In the matter of the application of Thomas B. Green for the identification of himself and his two minor children, Thomas B. and Katie B. Green, as Mississippi Choctaws.

No attorney.

Thomas B. Green, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas B. Green.
Q How old are you? A Twenty-nine.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Burns, Oklahoma.
Q How long have you lived in Oklahoma? A Ten years.
Q Where did you live before that? A Born and raised in Texas.
Q Is your father living? A Yes sir.
Q What is his name? A Alfred Green.
Q Mother living? A Yes sir.
Q What is her name? A Elizabeth Green.
Q Through which one of your parents do you get your Choctaw blood? A Father.
Q Is the Alfred Green who appeared before the Commission here this morning your father? A Yes sir.

It will be necessary that the Commission be furnished with proper evidence of the marriage of your father and mother, and fifteen days from this date will be allowed in which to submit such evidence. Your father, at the time he appeared before the Commission here to-day, was requested to furnish this evidence in support of an application he made in behalf of certain minor children. If the evidence is furnished in his case it will not be necessary that you furnish it in your case.

- Q Through which one of his parents does your father get his Choctaw blood? A Through his mother.
Q What was his mother's name? A Littlepage.
Q Her given name? A Mary West.
Q Her father's name was Littlepage was it? A Yes sir.
Q Are you married? A Yes sir.

#2.

- Q Is your wife living? A Yes sir.
Q What is her name? A Ida B.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you any children living? A Yes sir.
Q How many? A Two.
Q What are their names and ages, the oldest first? A do you want the full name or just the letter of the middle name?
Q The first name and the middle initial? A Thomas R.
Q How old is Thomas R.? A Two years old.
Q Next one? A Katie E.
Q How old? A She's one year old.
Q Are these children both living with you at this time? A Yes sir.
Q Are they both the children of yourself and Ida B. Green?
A Yes sir.
Q Have you been married more than once? A No sir.
Q Has she? A No sir.
Q This application then is for yourself and two minor children, is that right? A Yes sir.
Q Were you married to Ida under a license? A Yes sir.
Q When? A 29th of April, in '99.
Q Where? A Burns, Oklahoma.
Q Who married you? A Doctor Jester; he was a preacher too.
Q Have you your license with you at this time? A No sir.

It will be necessary that you furnish the Commission with evidence of the marriage of yourself and your wife Ida, for use in connection with the application you make in behalf of your children. You will be allowed fifteen days in which to furnish such evidence.

- Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir.
Q Is your name to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the act of Congress approved June 16, 1896? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities have you? A No sir.
Q Has any application of any description ever been made before to-day in your behalf or in behalf of either of these children for the purpose of establishing your rights as Choctaw Indians?
A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and two minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, nearly seventy-two years ago, between the government of the United States and the Choctaw tribes of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation in Mississippi and Alabama, and for the benefit of those who insisted on being permitted to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there and not move out west to the new Nation, might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; do you think you understand it?
 A Yes sir.
 Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A Not that I know of.
 Q Did any of them live back there in the old Nation in Mississippi and Alabama in 1830 when this treaty was made; do you know about that? A Why, of course I can't speak positive, but my grandmother lived there I suppose.
 Q Mary Green? A Mary West Green she was then, yes sir.
 Q Do you know whether she owned an improvement there at that time?
 A No sir; if she owned an improvement I don't know it.

#4.

- Q Do you know whether she or any other of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A I don't know.
- Q Do you know whether any one of your Choctaw ancestors removed to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A If they did, I don't know it.
- Q Do you know whether any of your Choctaw ancestors ever claimed or received any land down in Mississippi from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know it if they did.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states. The records of the government show that this Agent, whose name was Wm. Ward, failed to register the names of a great many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know it if they did.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrips.

75.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States? A I don't know if they did.
- Q So far as you know then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q And you don't know whether any of them were in 1830, when this treaty was made, recognized members of the Choctaw tribe do you? A No sir, I don't.
- Q Do you know of any real old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time in support of your application? A No sir, I haven't.
- Q Have you any witnesses here to-day to testify in your behalf? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from to-day and their testimony will be taken; or, if you should find any written evidence to offer in support of your application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q What relation are you to Mary W. Taylor who has just appeared before the Commission? A Own sister.
- Q Full sister? A Yes sir.
- Q Have you any brothers living? A Yes sir.
- Q How many? A Two.
- Q What are their names? A One of them is named Alfred D. Green, and the other one is named Isaac P. Green.
- Q Have you any other sisters living? A Yes sir.
- Q How many? A Five.
- Q What are their names? A Why the oldest one is named Margaret Elizabeth Moore, she's married.
- Q Next one? A Is the sister here--Mary W. Taylor.
- Q Next one? A Next one is named Nancy A. Hughes.
- Q Next one? A Susan T. Jackson.
- Q Next one? A Dora P. Green, she's a single sister at home.
- Q That's all of them is it? A Yes sir.

Reference is hereby made to M C R 6093, Alfred Green et al., the principal applicant in said case being the father of the principal applicant in this case.

#6.

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood; has rather dark hair and very light mustache; blue eyes; has the features and facial expression of a white man; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16 day of August, 1902.

W. H. Renter

Notary Public.

Muskogee, Indian Territory, January 6, 1903.

Thomas B. Green,
Burns, Oklahoma.

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Green, et al., embracing the following applications for identification as Mississippi Choctaws:

Alfred Green, et al.,	M.C.R. 6093,
Mary W. Taylor, et al.,	M.C.R. 6094,
Thomas B. Green, et al.,	M.C.R. 6095.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alfred Green, Alfred D. Green, Isaac P. Green, Dora P. Green, Mary W. Taylor, Roxy A. Taylor, Susan T. Taylor, Margaret A. Taylor, Cora L. Taylor, Thomas B. Green, Thomas R. Green and Katie E. Green, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

T. B. G. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WITNESSED

Tame Dixie
Acting Chairman.

Registered.

M C R 6095

COPY:

Muskogee, Indian Territory, April 6, 1903.

Thomas B. Green,

Burns, Oklahoma.

Dear Sir:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alfred Green, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED).

C. R. Breckinridge.
Commissioner in Charge.

No. 6095

For Identification as a Mississippi Choctaw.

JUL 22 1902

Name ^{Date} Thomas B Green

Age 29 Blood 1/16

Post-Office, Burns, Okla.

Father: Alfred Green L

Mother: Elizabeth " L

Claims through father.
wife Ida B. Green L

No claim for wife.
Self and 2 children.

Children
~~Thomas B Green~~ 2
Katie ^ E. " 1

Stenographer A. B. McMillan

Choctaw MCR 6096

Sallie M. Kidd

See MCR 5195

MCR 6096

Department of the Interior.
Commission to the Five Civilized Tribes.
Washington, D. C., July 23rd, 1902.

Notes.

In the matter of the application of Nellie M. Kidd for the identification of herself and her eight minor children, Olin G., Myrtle G., Pearlina J., Perry J., Nettie M., Stella M., Earl J. and Adolphus L. Kidd, as Mississippi Choctaws.

No attorney.

Nellie M. Kidd, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Nellie M. Kidd.
Q How old are you? A I am thirty-seven years old.
Q How much Choctaw blood have you? A Well, I don't know exactly; claim about one-sixteenth I believe.
Q What is your post office address? A Bulcher, Texas.
Q What county? A Cook county.
Q How long have you lived in the state of Texas? A About twenty-seven or thirty years. I couldn't say for sure.
Q Where did you live before you went to Texas? A Missouri; I was born in Missouri.
Q What county? A Boone county.
Q Is your father living? A No sir.
Q What was his name? A James L. Castleman.
Q Is your mother living? A No sir.
Q What was her name? A Nancy C. Castleman.
Q Through which one of your parents do you get your Choctaw blood?
A Through my mother.
Q When did your mother die? A About six years ago.
Q How old was she when she died? A She would be around seventy-two now if she were living.
Q Do you know the month in which she was born? A July.
Q Was she born in July, 1830, then? A Yes sir.
Q Where was she born? A In Mississippi.
Q What county? A Well I couldn't say for sure what county.
Q How long did she live in the state of Mississippi? A Well, I couldn't tell you that either; I was born you see after she left there.
Q Through which one of her parents did she get her Choctaw blood?
A Her father.
Q What was his name? A John Yacumbee.
Q How do you spell that last name? A Y a c u m b e e.

- Q Did you ever see him? A No sir, I never seen him.
 Q Do you think he had quarter Chectaw blood? A I think so, but I couldn't swear that; I don't know for sure.
 Q What was your mother's mother's name? A I think her name was Amy Young.
 Q How did John Yacumbbee was any other name? A I don't remember.
 Q Do you know where John was born? A No sir, I don't.
 Q Where did he live to your knowledge? A He lived in Mississippi the first I knew of him.
 Q Do you know the names of his parents? A No sir, I do not.
 Q Was your mother ever recognized in any manner or enrolled as a member of the Chectaw tribe of Indians in Indian Territory?
 A Not that I know of.
 Q How many brothers and sisters did your mother have? A I don't believe I can tell you; had several.
 Q Do you know whether your mother's father and mother were lawfully married? A Well, I couldn't swear it.
 Q You suppose they were? A Yes sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother and that your mother's father and mother were lawfully married. You will be allowed fifteen days in which to furnish such evidence.

- Q Was your mother ever recognized in any manner or enrolled as a member of the Chectaw tribe of Indians in Indian Territory?
 A Not that I know of.
 Q Are you married? A Yes sir.
 Q Is your husband living? A Yes sir.
 Q What is his name? A Adolphus C. Kidd.
 Q Has he any Chectaw blood? A No sir.
 Q You make no claim for him? A No sir.
 Q How many children have you living? A I have eight.
 Q What are their names and ages, the eldest first? A Olis C. Kidd is the eldest.
 Q Boy or girl? A Girl.
 Q How old is she? A Seventeen.
 Q Next one? A Myrtis C. Kidd.
 Q Girl? A Yes sir.
 Q How old is she? A Fifteen.
 Q Next one? A Pearlis J. Kidd.
 Q Girl? A Yes sir.
 Q How old? A Twelve.
 Q Next one? A Perry J. Kidd.
 Q Boy? A Yes sir.
 Q How old? A He's ten.
 Q Next one? A Nettie M. Kidd.
 Q How old is she? A Eight years old.
 Q That's a girl of course? A Yes sir.
 Q Next one? A Stella E.
 Q How old? A She's five years old.
 Q Next one? A Earl J.
 Q Is a r l e? A E a r l is the way I spell it.
 Q Earl J.? A Yes sir.

#3.

- Q How old is he? A Three.
Q Next one? A Adolphus L.
Q How old is he? A Seven months old.
Q Are these eight children living with you at this time?
A Yes sir.
Q They are all the children of yourself and Adolphus G. Kidd are they? A Yes sir.
Q This application is in behalf of yourself and eight minor children; is that right? A Yes sir.
Q Is your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory?
A No sir.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or any one of these children, to be admitted or enrolled as members of the Choctaw tribe?
A No sir.
Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children, under the act of Congress approved June 10, 1896? A No sir.
Q Then neither you nor any of your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory have you?
A I don't know as I understood you.
Q I say neither you nor your children have ever been admitted to citizenship down in the Choctaw Nation by the Indian authorities, this Commission, or the United States Court have you? A No sir.
Q Has any application of any description ever been made before today in your behalf or in behalf of any of your children for the purpose of establishing your rights as Choctaw Indians?
A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and eight minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Choctaw Nation might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A Well, yes sir, I expect so.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I don't know anything about that, whether they did or not.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A My grandfather lived there in 1830; mother was born there in 1830.
- Q Your mother's father? A Yes sir.
- Q Do you know where he lived at that time; what part of the state?
- A No sir, I couldn't say.
- Q Do you know whether he or any other of your ancestors owned an improvement there at that time? A No sir, I do not.
- Q Do you know whether any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A No sir, I don't know.
- Q Do you know whether any of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838; do you know about that? A No sir, I don't know.
- Q Do you know whether any of them ever claimed or received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Never heard of it if they did.
- Q Do you know whether any of your Choctaw ancestors were in fact recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir, I don't know that they were.
- Q Do you know whether any of them ever received any benefits whatever as Choctaw Indians? A No sir, I don't know whether they did or not.
- Q You never heard of any of them receiving any did you? A No sir.

In accordance with the provisions of this fourteenth article the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the state and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the state and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A If they did I never knew it.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress?

A I couldn't say about that either.

- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know whether I do or not. I knew of several people - - -

- Q You don't know whether they would know about that or not?

A No sir.

- Q Do you know of any written evidence which would prove or tend to prove such a state of facts; any deeds or patents or old papers of any kind? A No sir.

#6.

- Q Have you any written evidence of any kind to offer in support of your application at this time? A No sir.
- Q Have you any witnesses here to-day to testify in your behalf?
- A No sir, I want to come under the approval of Mary J. Deering's case.
- Q You mean that you desire to have the evidence in Mary J. Deering's case considered in the determining of your rights; is that the idea? A Yes sir.
- Q What relation is she to you? A Sister.
- Q Full sister? A Full sister.

Reference is hereby made to M C R 5195, Mary J. Deering et al.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at Muskogee within a period of fifteen days from to-day and their testimony will be taken; or, if you should see fit to offer any written evidence, at a later date, such proper written evidence as may be offered within a period of fifteen days from to-day will receive the consideration of the Commission.

- Q Are there any further statements you want to make in support of your application? A No sir.
- Q You don't speak or understand the Choctaw language do you?
- A No sir.
- Q How many brothers have you living? A Five.
- Q What are their names, the oldest first? A Steven F. Castleman.
- Q Next one? A Jeff B. Castleman.
- Q Next one? A James B. Castleman.
- Q Next one? A Soam J. Castleman.
- Q Next one? A Ira H. Castleman.
- Q Have these brothers been before the Commission? A No sir--- well, the oldest one has.
- Q How many sisters have you living? A Three.
- Q What are their names? A Mary J. Deering.
- Q Next one? A Mississippi B. Malugin.
- Q How do you spell that last name? A M a l u g i n.
- Q Next one? A Nancy C. Wilson.
- Q That's all your sisters is it? A Yes sir, all that's living.
- Q How many sisters have you dead? A One.
- Q How old was she when she died? A Well, I don't know whether I can tell you that or not; she's been dead a good long while.
- Q Was she grown? A Yes sir; had two children.
- Q What was their names? A Mary Elizabeth.
- Q Surname? A Davis.
- Q What is the other one's name? A Lawrence H. Davis.
- Q What was that sister's name? A Georgia Ann Davis.
- Q Have either of these children been before the Commission?
- A Not that I know of.
- Q Have you any brothers dead? A One.
- Q What is his name? A John L. Castleman; well, I had two, but one died an infant.
- Q Did John L. leave any children? A Yes sir.

#7.

- Q How many? A Well, I declare I don't know whether I can tell or not---seven or eight.
- Q Do you remember their names? A I don't know as I can remember.
- Q Give the names of all those you can remember? A Oldest one is Samuel.
- Q Next? A Thomas Jefferson.
- Q Next one? A Ira May.
- Q Next one? A John; I don't know whether he has a double name or not.
- Q Next one? A Steven Buchanan.
- Q Next one? A Walter.
- Q Next one? A Luther.
- Q Next one? A That's all that I know of.
- Q Are they living now? A Yes sir.
- Q Have they been before the Commission? A I don't know whether they have or not.
- Q Did your mother ever have any brothers or sisters to your knowledge? A Yes sir, she had several.
- Q How many brothers did she have? A I can't tell you.
- Q Do you remember any of them? A Yes sir, I remember some of them.
- Q Give us the names of those you can remember? A One was named John.
- Q Next one? A Frank.
- Q Next one? A And one of them was named Ben.
- Q Next one? A That's all that I can remember.
- Q Did any of them leave children? A Well, I don't know; I think they did though, but I couldn't swear to that.
- Q Did your mother ever have any sisters? A Yes sir.
- Q How many? A Well I don't know that either. I never was with mother's folks any and never seen any of them at all.

This applicant has the appearance of being a white woman; shows no particular indications of being possessed of Indian blood; her hair is rather inclined to be dark; has rather fair complexion; brown eyes; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 11 day of August, 1902.

Dwight Jones
Notary Public.

COPY.

Muskogee, Indian Territory, February 8, 1903.

Sallie M. Kidd,
Bulcher, Texas.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary J. Deering, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary J. Deering, et al.,	M.C.R. 5195
Stephen Frank Castleman, et al.,	" 5929
Sallie M. Kidd, et al.,	" 6096

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary J. Deering, Louis F. Deering, Ada J. Deering, Emmitt L. Deering, John A. Deering, Stephen Frank Castleman, Andrew L. Castleman, Viola C. Castleman, Abba Lewis Castleman, John Wilson Castleman, Arthur I. Castleman, Charles Albert Castleman, Della May Castleman, Foy J. Castleman, Sallie M. Kidd, Ollie C.

S. M. K. No. 2.

Kidd, Myrtie C. Kidd, Pearlle J. Kidd, Perry J. Kidd, Nettie M. Kidd, Stella E. Kidd, Earl J. Kidd, and Adolphus L. Kidd, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge

Commissioner in Charge.

Registered.

M.C.R. 6096

COPY.

Nuskogee, Indian Territory, November 10, 1904.

Sallie M. Kidd,

Bulcher, Texas,

Dear Madam:

You are hereby notified that on the 28th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary J. Deering et al., of which decision you were advised by registered mail on the 8th day of February, 1903.

Respectfully,

SIGNED

James Dixby

Chairman.

For Identification as a Mississippi Choctaw.

Date JUL 23 1902

Name Sallie M. Kidd

Age 37 Blood 1/6

Post-Office, Bulcher, Tex.

Father: James L. Castleman d

Mother: Nancy C. " d

Claims through
husband mother.

Adolphus C. Kidd s

No claim for husband

Self and 8 children.

Children:

Olis C. Kidd F 17

Myrtis C. " F 15

Pearlie J. " F 12

Perry J. " M 10

Mollie M. " F 8

Stella E. " F 5

Eunice J. " M 3

Adolphus " M 1mo

Choctaw MCR 6097

James L. Jones

See MCR 5735

MCR 6097

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 23rd, 1902.

44097.

In the matter of the application of James L. Jones for the identification of himself and his nine minor children, Annie, Willie, John A., Arizona, Douglas, Otis, Starling, Granville, and Delo Jones, as Mississippi Cheetaw.

No attorney.

James L. Jones, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A James L. Jones.
Q How old are you Mr. Jones? A I am forty-nine I reckon.
Q How much Cheetaw blood have you? A About an eighth I suppose.
Q What is your post office address? A Lone Star now; it's a new office.
Q What state? A Arkansas.
Q What county? A Pike county.
Q How long have you lived in the state of Arkansas? A I have lived there the rise of forty years.
Q Where did you live before that? A I came from Mississippi when I was small.
Q What county? A Pontotoc as well as I remember.
Q Were you born down there? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Willis Jones.
Q Mother living? A Yes sir.
Q What is her name? A Mary.
Q Through which one of your parents do you get your Cheetaw blood? A Father.
Q How old would your father be if he were living now? A Well I declare I don't remember----he would be somewhere near eighty years old.
Q Where was he born? A Well sir, I don't know.
Q He had a quarter Cheetaw blood did he? A I suppose from the information I have.
Q Were your father and mother lawfully married? A I suppose they was.
Q Where? A I couldn't tell you where; I know they was; mother drew a pension and of course the papers had to be proven; it was proven a few years ago; I don't know whether we could get up the same evidence or not.

#3.

- Q How long did they live together as husband and wife? A Well I don't know how long they lived together; they lived together until he died; he died--I don't remember--about the last year of the civil war.
- Q How many children were born to them? A Let's see--eight I believe; maybe more than that; there is some dead; I couldn't tell.

It will be well for you to furnish the Commission with some evidence of the marriage of your father and mother.

By the applicant:

I should furnish some?

By the Commission:

Yes sir; you are given fifteen days in which to furnish that evidence.

- Q Through which one of his parents did your father get his Choctaw blood? A From his mother.
- Q What was her name? A Max.
- Q What was her given name? A Rebecca Max.
- Q Did you ever see Rebecca? A Yes sir, I can remember seeing her when I was small.
- Q Do you know where she was born? A No sir.
- Q Do you know where she was living in 1830, seventy-two years ago?
- A Well, I suppose she was living in Mississippi, the best information I can get.
- Q Your father was born about 1830 wasn't he? A Well, I suppose so.
- Q Did Rebecca Max have a Choctaw name? A Well, I suppose so; I don't know.
- Q Don't know what it was if she did have? A No sir.
- Q Did she speak the Choctaw language? A Not that I know of. I can't remember that she did.
- Q Do you know the names of her parents, her father and mother?
- A No sir.
- Q Did your father ever live in the Indian Territory? A No sir.
- Q He never was recognized in any manner or enrolled as a member of the Choctaw tribe in Indian Territory? A No sir, not that I know of.
- Q Are you married? A Yes sir.
- Q Wife living? A Yes sir.
- Q Been married more than once? A Been married twice.
- Q What is the name of your present wife? A Lucinda.
- Q Has she any Choctaw blood? A No sir, none.
- Q You make no claim for her then? A No sir.
- Q When were you married to her? A In '78, October, '78.
- Q What was the name of your first wife? A Susie.
- Q Did she have any Choctaw blood? A No sir.
- Q Have any children by her? A One; two--one dead and one living.
- Q How old is your child by Susie? A He's about twenty-four, as well as I remember.

#3.

Q Has he been before the Commission? A No sir.
Q Were you married to her lawfully? A Yes sir.
Q Where? A Where at?
Q Yes? A Arkansas, Pike County, Star West.
Q Who married you? A Man by the name of Gen--Sanford Cox.
Q What official position did he hold at the time you married her?
A Preacher.
Q How long did you live with Susan? A Something near three years.
Q When did she die? A She died about four years after we was married.
Q Were you separated before she died? A No.
Q Lived together until her death? A Yes sir.
Q How long after her death was it that you married a second time?
A I reckon it was something near two years.
Q What is the name of the child by your first wife? A Joe.
Q Joe Jones? A Joe Jones.
Q How old was your other child by your first wife when that child died? A It was two years younger.
Q When did it die? A It died when it was I reckon about six months old.
Q How have you any children by your second wife who are of age?
A Well, I have got a girl; oldest girl is about twenty years old.
Q Is she married? A No sir, she's with me.
Q She isn't twenty-one yet? A No sir.
Q Give us the names and ages of your children who are under age and unmarried? A Annie.
Q How old is she? A She's twenty years old last August I think.
Q Next one? A Willie.
Q Boy or girl? A Boy?
Q How old is he? A Eighteen.
Q Next one? A John A.
Q How old is he? A Sixteen.
Q Next one? A Arizona.
Q How do you spell it? A Like the state of Arizona.
Q Boy or girl? A Girl.
Q How old is she? A Fourteen I reckon.
Q Next one? A Douglas.
Q About how old is he? A He's twelve.
Q Boy? A Yes sir.
Q Next one? A Ottie.
Q Boy? A No, it's a girl.
Q How old is she? A Somewhere about ten.
Q Next one? A Starling.
Q S t a r l i n g? A Yes sir.
Q Boy or girl? A Boy.
Q How old? A He's about six.
Q Next one? A Granville.
Q About how old? A Four years old.
Q Boy? A Yes sir.
Q Next one? A Dale.
Q D a l e? A Yes sir.
Q Boy or girl? A Girl.
Q About how old? A Two years old.
Q Next one? A That's all.

#4.

- Q Are these children all living with you at this time? A Yes sir.
- Q They are all the children of yourself and Lucinda Jones? A Yes sir.
- Q This application then is for yourself and nine minor children? A Yes sir.
- Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Ask the question again, I didn't understand it.
- Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Did you ever make application for yourself or any of these children to the Choctaw tribal authorities to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you in the year 1896 make application to this Commission for yourself or any one of these children for admission to citizenship in the Choctaw Nation, under the act of Congress approved June 10, 1896? A In what year did you say?
- Q 1896, six years ago? A Well, there was some papers made out that I sent up to the Commission.
- Q When? A Where?
- Q When--where? A Well, I can't remember; it was some four or five years ago.
- Q Did you ever hear from the Commission about them? A No sir.
- Q Don't know what became of them at all? A No sir.
- Q What were those papers? A Well, I couldn't tell you just in what shape they was.
- Q Well what did you make them out for? A Made them out at that time with the -- -- some of them thought it was Cherokee and made them out and sent them up and we found out afterwards that it wasn't Cherokee, that it was Choctaw blood and we never done anything more about it.
- Q Then you petitioned the Commission for citizenship in the Cherokee Nation instead of the Choctaw Nation did you? A Yes sir, at that time.
- Q When did you discover that you had Choctaw blood? A I discovered it just after we sent the papers.

Records of the Commission fail to disclose that any application of any description has ever been made to this Commission in the year 1896 in behalf of this applicant or any of his minor children.

- Q Neither you nor any of your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court for the Indian Territory have you? A No or any of my children?
- Q Yes sir? A No sir.
- Q Has any application of any description ever been made before to-day for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and nine minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A I do.

#5.

- Q Were you married to Lucinda Jones under a license? A Yes sir.
Q Where? A Newfreeshore.
Q Arkansas? A Yes sir.
QC Who married you? A Man by the name of Powell--Parson Powell.
Q Have you that license with you at this time? A No sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and your wife Lucinda, and you will be allowed a period of fifteen days from to-day in which to furnish such evidence. Of course the best evidence is your original marriage license and certificate. If you can't get that, get a certified copy.

By the applicant:

They was burnt up.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of the treaty was to secure the removal of these Choctaw Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out to the new Nation, might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

76.

- Q Now I have quoted to you Mr. Jones the fourteenth article of the treaty of Dancing Rabbit Creek in full; do you think you understand that? A Well, I don't know; I reckon maybe I do.

Well, for fear you might not understand it clearly I will explain it more fully. In case a Choctaw Indian who might have been living in the old Nation in Mississippi and Alabama seventy-two years ago, when this treaty was made, decided that he wanted to stay there in the old Nation and not move out west to this new country, he had the right to do so and receive land back there from the government upon certain conditions. First he was required to let the Agent of the government there in Mississippi, in 1831, whose name was Colonel Wm. Ward, know within six months from the time this treaty was ratified, the treaty was ratified on February 24, 1831, that he wanted to stay there and become a citizen of the state and take land. After he had so let Colonel Ward know that he wanted to stay there and become a citizen of the states, he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to a reservation of one-half that quantity, or three hundred and twenty acres of land, for each unmarried child which was living with him over ten years of age at the time the treaty was made on September 27, 1830; for each child who was under ten years of age at the time the treaty was made he was entitled to a quarter section or one hundred and sixty acres of land; the reservations of these children were required by the terms of the fourteenth article to adjoin the location of the parent. Now the reservations so made to these Indians were required in each instance to include the improvement of the head of the family as it existed on September 27, 1830, or a portion of said improvement. Now if these Indians lived on the reservations so made for them under this fourteenth article for five years from February 24, 1831, or until February 24, 1836, they were entitled to a grant in fee simple to the land, that is, the government would give them a deed or patent to it, and the land would then become the property of the Indian. The last clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity." That is, if an Indian stayed back there in Mississippi in 1830 and 1831 and took land back there instead of moving out to the new country, he shouldn't, by reason of the fact that he did take land back there, lose the privilege of a Choctaw citizen, but if he ever decided later that he wanted to move out to this new country he was not to be entitled to any portion of the Choctaw annuity. Choctaw annuity is money which becomes due each year to the Choctaws from the government of the United States under treaty provisions.

- Q Do you think you understand that fourteenth article clearly?
A I think so.

- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that fourteenth article? A Well, I couldn't tell you that.

#7.

- Q Did any of your ancestors live there in the old Nation in 1830 when this treaty was made, seventy-two years ago? A I suppose they did; the best I can find it they did live there.
- Q What one of your ancestors was living there and the head of a family at that time Mr. Jones? A Well, I reckon my grandmother was living there.
- Q Her name was Rebecca Box, commonly known as Becky Box? A Yes sir.
- Q Do you know in just what part of Mississippi she lived at that time? A No sir, I couldn't say.
- Q Well do you know whether she owned an improvement there at that time? A No sir, I couldn't say that she did or didn't; I don't know.
- Q Do you know whether she or any other of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land? A No sir, I don't know whether they did or not.
- Q Do you know whether she or any other of your Choctaw ancestors removed to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A None moved that I know of.
- Q Did any of your Choctaw ancestors ever receive any land from the government of the United States under this fourteenth article? A I don't know sir; couldn't say.
- Q Did any of them ever receive any benefits whatever as Choctaw Indians to your knowledge? A I don't know.
- Q Were any of them recognized members of the Choctaw tribe in 1830 when this treaty was made, or do you know? A I don't know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi

#2.

and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
Q You are quite sure of that are you? A If they didn't appear?
Q I asked: did any of them appear before these Commissioners?
A No sir.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?
A None that ever I heard of.
Q Do you know of any real old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
A Well, I have got a cousin that's very old; I don't know whether I can find him or not.
Q What is his name? A Jones.
Q Given name? A Willis.
Q Where does he live do you know? A I heard he lived in Hot Springs, Arkansas.
Q About how old is he? A About seventy-five or eighty years old. I don't know exactly his age.
Q You think he might know something about it? A Yes sir.
Q You don't know of any one else that might know about it?
A No sir, I don't.
Q Do you know of any written evidence of any description, any deeds or patents or old papers of any kind, which would prove or tend to prove such a state of facts? A No sir, I don't reckon I do.
Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
Q Have you any witnesses here to-day to testify in your behalf?
A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskegee within fifteen days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence in support of your application, such proper written evidence as may be offered within fifteen days from to-day will receive the consideration of the Commission.

#9.

- Q Are there any further statements you care to make at this time in support of your application? A No sir, not as I know of.
- Q You don't speak or understand the Choctaw language do you?
- A No sir.
- Q Have any of your relatives appeared before this Commission?
- A Yes sir.
- Q Who? A There's three of the Drapers; this man and his two brothers.
- Q What relation are the Drapers to you? A Cousins.
- Q Your father and their mother were brother and sister; is that the idea? A No sir, they are second cousins.
- Q They are the descendants of Rebecca Box too? A Yes sir.
- Q What is the given names of the Drapers that appeared before the Commission? A Louis Draper and James L. Draper, and Andrew Draper.
- Q What relation are you to Andrew J. Draper, Sr., deceased, who was the father of Andrew J. Draper, Jr., who now lives at Crowder? A First cousin.
- Q Then his mother and your father were full brother and sister; is that right; old man Andrew's mother and your father were full brother and sister? A Yes sir, that's right.
- Q What was the name of the mother of Andrew J. Draper, Sr.?
- A I don't remember.

Reference is hereby made to M C R 5563, Andrew J. Draper et al., applicants in said case and the applicant in this case being the descendants of a common Choctaw ancestor.

This applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood, although he has black hair and rather dark complexion; he has gray eyes; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 24th day of July, 1902.

Guy L. V. Emerson
Notary Public.

N O B 6007.

Muskogee, Indian Territory, August 7, 1902.

James E. Jones,

Lenox, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd inst., enclosing certificate of J.A. Stevens, Notary Public, and the affidavits of James A. Tedder and William F. Fount, which you offer in support of your application for the identification of yourself and minor children as Mississippi Choctaws.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

COPY

M.C.R. 6097

Muskogee, Indian Territory, January 7, 1903.

James L. Jones,

Lonestar, Arkansas.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Sparks, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Sparks, et al.	M.C.R. 5735
Ollie Owens	M.C.R. 5736
Lewis J. Draper, et al.	M.C.R. 5862
Rebecca Fitzer	M.C.R. 5734
Andrew Jackson Draper, et al.	M.C.R. 5603
James L. Draper, et al.	M.C.R. 6088
Amanda A. Weeks, et al.	M.C.R. 6139
Sarah F. Young, et al.	M.C.R. 6140
Fannie Whitley, et al.	M.C.R. 6207
Ida Tulkington	M.C.R. 6239
Ada McElrath, et al.	M.C.R. 6233
John A. Weeks, et al.	M.C.R. 6196
Martina Petoot, et al.	M.C.R. 6208
Willie M. Weeks, et al.	M.C.R. 6206
Victoria Blevins, et al.	M.C.R. 6199
James L. Jones, et al.	M.C.R. 6097
Joseph C. Jones, et al.	M.C.R. 6141
Mary Ann Pant, et al.	M.C.R. 6201
Frances Morgan, et al.	M.C.R. 6209
Phoebe Weeks	M.C.R. 6210
Amanda V. Pate, et al.	M.C.R. 6200
Alex Weeks, et al.	M.C.R. 6212
Nevada Weeks	M.C.R. 6211
George M. Jones	M.C.R. 6137
John M. Jones, et al.	M.C.R. 6137
James Edward Jones	M.C.R. 6138
Harry M. Jones	M.C.R. 6194

James L. Jones, -22

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary A. Sparks, James William Sparks, July Annice Sparks, Oscar Ollen Sparks, Clara May Sparks, Ollie Owens, Lewis J. Draper, Asa W. Draper, John H. Draper, Lottie A. Draper, George Andrew Draper, Jeddie H. Draper, Ora B. Draper, Lewis Draper, Leroy L. Draper, Rebecca Fitzer, Andrew Jackson Draper, John W. Draper, Charles E. Draper, Mary E. Draper, Lee E. Draper, James F. Draper, William E. Draper, Calvin Hester Draper, James L. Draper, John H. Draper, Elmer L. Draper, Jennie J. Draper, James S. Draper, William H. Draper, Alva Dale Draper, Amanda A. Meeks, Calvin Meeks, Rebecca Meeks, Sarah F. Young, Allen Young, Louisa M. Young, Onie Young, Jesse B. Young, Rebecca J. Young, Clayton Young, Gustie Young, Kelsey Young, Elmer Young, Viola Young, Fannie Whatley, Edgar A. Whatley, Ivin C. Whatley, Vestie Whatley, Eric Whatley, Ida Talkington, Ada McClurge, Arthur McClurge, John A. Meeks, Walter Meeks, Martha Potest, Maudie E. Potest, Elsie D. Potest, Binnie Potest, Eric Potest, Ernest Potest, Willis M. Meeks, Clifford Meeks, Warner L. Meeks, Gracie May Meeks, Victoria Blevins, Ira Blevins, Ansa Blevins, Ardie Blevins, James L. Jones, Annie Jones, Willie Jones, John A. Jones, Arizona Jones, Douglas Jones, Ottie Jones, Starling Jones, Granville Jones, Dolo Jones, Joseph C. Jones, Ellis Jones, Birdie May Jones, Mary Ann Pant, John Henry Pant,

James L. Jones, —3

Sina A. Pant, Eddie Pant, Scarily Pant, Luella Pant, Alvie Pant, Willis Pant, Carlis Pant, Ora N. Pant, Frances Morgan, Dewey Allen Morgan, Phoebe Weeks, Amanda V. Pate, Otha V. Pate, Vesta E. Pate, Alex Weeks, Florence Weeks, Soulah Weeks, Nellie Weeks, Nevada Weeks, George M. Jones, John M. Jones, Jay Houston Jones, Annie Belle Jones, James Edward Jones and Henry M. Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.*

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

H.C.R. 6097

COPY.

Muskogee, Indian Territory, November 30, 1904.

James L. Jones,

Lonestar, Arkansas.

Dear Sir:

You are hereby notified that on the 17th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Sparks et al., of which decision you were advised by registered mail on the 7th day of January, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.



No. 6037

For Identification as a Mississippit Choctaw.

Date

JUL 28 1902

Name

James L. Jones

Age

49

Blood

1/8

Post-Office

Lonestar, Ark.

Father:

Willie Jones

d

Mother:

Mary Jones

L

Claims through

father

wife

Lucinda Jones

L

No claim for wife.

Self and nine children.

Children:

Annie Jones

20

Willie

" m 18

John A.

" 16

Arizona

" F 14

Douglas

" m 12

Ottie

" F 10

Starling

" m 6

Granville

" m 4

Solo

" F 2

Stenographer

A. G. McMillan

Choctaw MCR 6098

Austin Thompson

MCR 6098

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Austin Thompson, for
identification as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application of
Austin Thompson, for identification as a Mississippi
Choctaw, M.C.R. 6098.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Austin Thompson, for
identification as a Mississipi Choctaw, M.C.R. 6098.

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-oOo-

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 28, 1904.

-oOo-

In the matter of the application of Austin Thompson for identification as a Mississippi Choctaw M C R 6098.

ADDITIONAL TESTIMONY.

Austin Thompson, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Austin Thompson.
- Q What is your age? A Twenty-three, my brother told me.
- Q What is your postoffice address? A Garvin, Indian Territory, up near Cullituklo.
- Q If the Commission addresses you at Garvin they will find you there? A Yes.
- Q How long have you lived in the Indian Territory? A Nine years now.
- Q When did you come here? A Come herein '95.
- Q Have you lived here ever since? A Yes.
- Q Where did you come from? A Come from Hattiesburg, Mississippi.
- Q How long had you lived in Hattiesburg? A I don't know how long.
- Q Ever since you were born? A Yes sir.
- Q What County were you born in? A I don't know what County; born near Hattiesburg.
- Q How much Choctaw blood have you? A Full-blood.
- Q What is your father's name? A Davis Thompson.
- Q Is he a full-blood Choctaw? A Yes sir.
- Q Is he living at the present time? A No dead.
- Q When did he die? A Long time, in '81.
- Q What is your mother's name? A Mary.
- Q Is she a full-blood Choctaw? A Yes sir, both full-blood.
- Q Is she living? A No sir, dead.
- Q When did she die? A Died long time, when I was small.
- Q Do you know the names of either of the father and mother of your father? A No, I don't know.
- Q Do you know the names of either the father and mother of your mother? A Don't know.
- Q As far as you know all your ancestors have been full-blood Choctaw Indians? A Yes, all full-blood. Isaac Thompson is my cousin.
- Q He has been identified by the Commission? A Yes sir, on file.
- Q Have you, or your father, or mother ever been recognized or enrolled by the Choctaw tribal authorities or by the United States Court in Indian Territory? A I don't know.
- Q Has your mother and father always lived in Mississippi? A Yes.
- Q They never came to the Indian Territory? A No.
- Q Are you married? A Yes.
- Q Is your wife living? A Yes.
- Q What is her name? A Nannie.
- Q Is she a full-blood Choctaw? A Yes sir, full-blood Choctaw.
- Q What is her mother's name? A I don't know; she died long time.

Austin Thompson--2

- Q Did you ever hear her Indian Name? A No. I married twice now; first time married Becky.
- Q What is your present wife's name? A Nannie.
- Q What is Nannie's father's name? A I don't know, I think his name was Jefferson.
- Q Were both of her parents full-bloods? A Yes sir.
- Q Have you any children? A No sir.
- Q Is your name, or the name of your wife on the tribal rolls of the Choctaw Nation? A Yes sir.
- Q Have you ever been admitted as a citizen of the Choctaw Nation? A No sir.
- Q Your wife? A Yes sir.
- Q Is your wife a citizen now? A Yes sir.
- Q Was she admitted by the tribal authorities or by the Commission? A By the Commission, I think.
- Q She was identified as a Mississippi Choctaw? A No sir; she was born in the Choctaw Nation.
- Q Then she is a citizen of the Choctaw Nation? A Yes.
- Q What was her full name before you married her? A Nannie Jefferson.
- Q Have you ever made application to the Choctaw tribal authorities for yourself to be enrolled as a citizen of the Choctaw Nation. A Yes.
- Q When did you make this application? A In '99.
- Q Before this Commission? A Yes.
- Q What did they do with it? A I don't know.
- Q Did you ever hear from them? A Yes.
- Q Do you recollect what they did? A No.
- Q Where was it you made that application? A I could not tell you.
- Q Was it Atoka? A No; Sulphur Springs they call it Alishi.
- Q You are making application now for your identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your rights as a beneficiary under the provisions of article fourteen of the treaty of 1830? A Yes sir.
- Q The application you made in 1899 is the only application you have made heretofore? A Yes.
- Q Then you have never been admitted by the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No.
- Q Do you understand the 14th article of the treaty of "Dancing Rabbit Creek?" A No, can't understand it.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September 1830, that is over 71 years ago, between the United States and the Choctaw Nation. At the time this treaty was made the Choctaw Indians lived in Mississippi and along the western edge of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi to the new country out west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made some of the Choctaws did not want to go out to the new country west of the Mississippi River but preferred to stay in Mississippi and insisted that a provision be made in the treaty by which they might be permitted to remain, while others preferred to go out west to the new country. For the benefit of those who wanted to stay in Mississippi what is known as the 14th article was put into the treaty. An article is a part or subdivision of a treaty

or government. The 14th article is as follows:--

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family of a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with the provisions of that article 14 I just read to you, or ever receive any benefits thereunder? A Don't know.
- Q Do you know the names of any of your ancestors who were living in the Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Do you know whether any of your ancestors owned any land or improvements in the old Choctaw Nation in Mississippi and Alabama in 1830? A No.
- Q Do you know whether any of your ancestors received land from the government under the treaty of 1830? A No.

The acts of Congress approved March 3, 1837 and August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, that he had done each and everything that that 14th article said he must do but that his land had been sold by the government, he should be entitled to select land elsewhere, in Mississippi, Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors appear before either of these Commissions appointed and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did any of your ancestors ever receive any scrip from the United States government under the act of Congress approved March 3, 1837 and August 23, 1842? A Don't know at all.
- Q Do you know of anyone who is acquainted with any of your ancestors living herein the Indian Territory? A Don't know.
- Q Wouldn't Isaac Thompson know? A Don't know.
- Q Have you any written evidence you want to offer to-day? A No.
- Q Have you any witnesses you want to testify in your case? A don't know.
- Q Is there any further statement you want to make? A No.

Austin Thompson---4

The applicant is to all appearances a full-blood Choctaw Indian, speaks, reads and writes the Choctaw language, and also speaks the English language quite well. This examination was conducted entirely in English.

-oOo-

Jessie Davies, being first duly sworn, states: That as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, on the 28th day of June, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes taken in said proceedings on said date.

Jessie Davies

Subscribed and sworn to before me this 28th day of June, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:-:-

In the matter of the application of Austin Thompson, for identification as a Mississippi Choctaw, M.C.R. 6098.

-: D E C I S I O N :-

It appears from the Choctaw Census Card Record in this case that on April 29, 1899, Austin Thompson appeared before this Commission and made application for enrollment as a citizen by blood of the Choctaw Nation.

From the testimony taken at that time it appears that the applicant herein had removed from Mississippi to the Indian Territory in 1895.

It does not appear from the evidence submitted in support of said application or from the records in the possession of the Commission that the applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians or admitted to Choctaw Citizenship by a duly constituted court of committee of said Nation, or by the Commission to the Five Civilized Tribes or by the decree of the United States Court in Indian Territory under the provisions approved June 10, 1896, (29 Stats., 321), nor is the applicant herein a party litigant before the Choctaw-Chickasaw Citizenship Court created under the Act of Congress approved July 1, 1902, (32 Stats., 641), and therefore the applicant cannot be enrolled as a citizen by blood of the Choctaw

Nation under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495).

Whatever the rights the applicant herein may have must necessarily be as a Mississippi Choctaw under the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

On June 28, 1904, the applicant appeared before this Commission and testified relative to his rights as a Mississippi Choctaw, from which testimony it appears that the applicant herein is a full blood Mississippi Choctaw.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, "approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or pro-

vision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full-blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Austin Thompson should be identified as a Mississippi Choctaw, and it is so ordered.

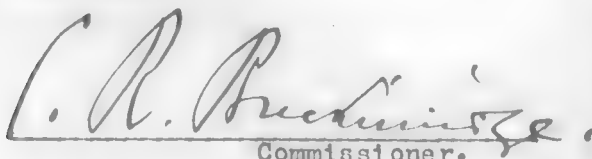
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

SEP 10 1894

Muscogee, Indian Territory,

August 18th, 1900.

Auntan Thompson,

Kullituklo, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McEnnon, Mansfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation/

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 18, 1900.

Auston Thompson,

Kullitukoo, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised is that your name is not found on any of the Tribal Rolls.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Choctaw D 137

Muskogee, Indian Territory, June 21, 1902.

Austin Thompson,

Kullituklo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, written in Choctaw and the same is returned to you herewith for the reason that the Commission has no one in its employ who can translate the same.

If you will have a letter written the Commission in English, the matters treated of therein will be given prompt consideration.

Yours truly,

Commissioner in Charge.

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Muskogee, Indian Territory, October 19, 1900.

Mr. A. Telle,

Atoka, Indian Territory.

Dear Sir:

There is enclosed you herewith a letter received by the Commission today, evidently written in Choctaw, from one Auston Thompson, of Kullitucklo, Indian Territory and as the Commission is unable to find any one in Muskogee to interpret the same, it is enclosed you herewith with the request that you inform the Commission as to its contents.

The records of the Commission show that an Auston Thompson, 16 years of age of Kullitucklo, Indian Territory, was listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation on April 29th, 1899. It is stated that this applicant is a full blood Choctaw and speaks the Choctaw language and is unable to speak English and further that he came from Mississippi in 1895 but his name has never been placed on any of the tribal rolls of the Choctaw Nation.

This is one of the cases that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed a protest against and it is supposed that the letter which is enclosed you herewith has reference to the notice of the Commission sent this applicant relative to such protest.

If you have personal knowledge of Mr. Thompson, you might explain to him the purpose of the meeting at Atoka on December 3rd,

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or if you will furnish the Commission with a translation of his letter the same will receive proper consideration.

Yours truly,

Asting Chairman.

In reply please
refer to 7-D-137

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the tribal rolls of the Nation or who have been admitted to citizenship therein either by the tribal authorities of the Choctaw Nation, Muskogee, Indian Territory, November 1, 1900, or by this Commission under the act of Congress of June 10th, 1898, or by the United States Courts for the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

Dear Sir:

It does not appear that you have been so notified. The Commission is in receipt of your letter of the 13th of October, and has neglected replying to the same before this for the reason that the same, being in Choctaw, it was necessary to have it translated and for this purpose it was forwarded to the Choctaw

If you desire to offer additional testimony in support of your application, at Atoka, beginning December 3rd next and also translation of the same.

You state in your letter that you appeared before the Commission and gave all necessary information as to your rights to

enrollment: That your father's name was Davis Thompson.

You state further that you were born in Mississippi in 1882 and have recently married a woman by the name of Bettie Collins. The Choctaw Nation concluded September 29th, 1898.

The objection being offered to your enrollment by the representatives of the Choctaw Nation, is that your name is not on any of the tribal rolls of that Nation and that you have not been recognized by the Choctaw tribal authorities as a citizen of that Nation. A portion of one section of one hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner, it appears, however, that you are a Choctaw Indian by blood and speak the Choctaw language but that you did not come to the location of the parent. If they reside upon said lands intended for the Indian Territory from Mississippi until 1826 after the ratification of this Treaty, in that case, a grant in fee simply of the land of the family, or a portion of it. Persons who claim Choctaw Nation is to enroll only such whose names are found upon citizen, but if they ever remove are not entitled to any portion of

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the ~~tribal~~ ~~tribes~~ of the Nation or who have been admitted to citizenship thereof either by the tribal authorities of the Choctaw Nation or by this Commission under the act of Congress of June 10th, 1898, or by the United States Courts for the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission prior to the submission of this ~~petition~~ ~~to the Agent~~. It does not appear that you have been so admitted or enrolled either by the authorities of the Choctaw Nation or of this Commission and for this reason the Choctaw Nation has filed its objection to your enrollment as a citizen of that Nation.

If you desire to offer additional testimony in support of your application, at Atoka, beginning December 3rd next and also the testimony of any witnesses that you may desire to present in support of your claim.

7-0-187 A provision of the act of Congress of June 28th, 1898, provides:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September 27th, 1830."

And the fourteenth article of the treaty of 1830 is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent, within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall he be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case, a grant in fee simply shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of

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the Choctaw annuity."

If therefore, you desire to make application for identification as a Mississippi Choctaw as a beneficiary under the provisions of the fourteenth article of the treaty above referred to, the Commission will hear your application at its office in Muskogee at any time prior to the submission of the Commission's report on the identification of Mississippi Choctaws.

It is suggested that if you desire to make such application that you do so some time in the near future.

Your truly,
reason that the same, being in Choctaw, it was necessary to have it translated and for this purpose it was forwarded to the Choctaw Nation and the Commission has but recently been furnished with a translation of the same.

Acting Chairman.

You state in your letter that you appeared before the Commission and gave all necessary information as to your rights to enrollment: that your father's name was Davis Thompson.

You state further that you were born in 1892 in 1892 and have recently married a woman by the name of Bettie Collins.

The objection being offered to your enrollment by the Commission is that you are not a Choctaw Indian and that you have no blood of Choctaw descent. It is stated that you did not come to the Choctaw Nation until 1905.

It appears, however, that you are a Choctaw Indian by blood and that the Choctaw Nation has accepted you as a citizen of that Nation.

The objection of the Commission to enroll you is that the Choctaw Nation is to enroll only those who have been accepted as citizens of that Nation.

Muskogee, Indian Territory, November 1, 1900.

A. Telle,

Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 25th instant, enclosing a translation of a letter received by the Commission from Austin Thompson. You have the thanks of the Commission for your prompt attention to our request.

The other matters touched on in your letter will receive the consideration of the Commission.

Yours truly,

Acting Chairman.7-

M.C.R. 6098

Muskogee, Indian Territory, September 20, 1900.

Auston Thompson,

Mullituklo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 15th in which you state that it is rumored among the Choctaws of your neighborhood that your citizenship is doubtful and that you have never been registered as a Choctaw citizen. You ask to be informed as to the status of your case.

In reply to your letter you are advised that it appears from the records in this case that you are a full-blood Choctaw Indian and that on April 29, 1899 you appeared before the Commission and made application for enrollment as a citizen of the Choctaw Nation.

It further appears that you did not remove from Mississippi to the Indian Territory until in 1895 and that your name is not found upon the tribal rolls of the Choctaw Nation. Your application has therefore been considered as an application for identification as a Mississippi Choctaw but no decision nor opinion has yet been reached relative to your rights as such Mississippi Choctaw. As soon as a decision is reached you will

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be notified of the action of the Commission and of the forwarding of the record in your case to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 19, 1903.

Auston Thompson,

Kullitukle, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on April 29, 1899, you appeared before the Commission and made application for enrollment as a citizen of the Choctaw Nation, claiming that you were a full blood Choctaw Indian. It further appears that you did not remove from Mississippi to Indian Territory until 1895, and that your name is not found upon any of the tribal rolls of the Choctaw Nation.

It does not appear from our records that any personal application has ever been made by you for identification as a Mississippi Choctaw, and your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi

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Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission."

Under the provision of law above quoted, the time within which you may submit your application to be identified as a full blood Mississippi Choctaw will expire on March 25, 1903, and it is advisable, if you intend submitting such application, that you make personal appearance before this Commission at its office at Muskogee, Indian Territory, as early as practicable.

Respectfully,

Regulators

Acting Chairman.

N S R 6095

Mankegee, Indian Territory, February 24, 1903.

Austen Thompson,

Kallituklo, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on April 29, 1899, you appeared before the Commission and made application for enrollment as a citizen of the Choctaw Nation, claiming that you were a full blood Choctaw.

It further appears that you did not remove from Mississippi to the Indian Territory until 1895, and that you have never been enrolled by the Choctaw tribal authorities as a member of that tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory on appeal.

Apparently, any rights which you may have in the distribution of the tribal property of the Choctaw and Chickasaw Nations, would be as a Mississippi Choctaw, and it does not appear from our records that any personal application has ever been made by you for identification as a Mississippi Choctaw. Your attention is therefore invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the

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Choctaw and Chickasaw Nations, September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

Under the provision of law above quoted, the time within which you may submit your application to be identified as a Mississippi Choctaw will expire on March 25, 1903, and it is advisable,

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if you intend submitting such application, that you make personal appearance before this Commission at its office at Muskogee, Indian Territory, as early as practicable.

Respectfully,

Chairman.

Registered.

M C R 6098

Muskogee, Indian Territory, April 11, 1903.

Auston Thompson,

Kullituklo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, relative to your appearing before the Commission to offer additional testimony in support of your claim for identification as a Mississippi Choctaw.

In reply to your letter you are informed that you will be allowed thirty days from this date within which to make personal appearance before the Commission at Muskogee, Indian Territory, for the purpose of submitting such evidence as you may desire in support of your application for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M.C.R.6098.

Muskogee, Indian Territory, September 10, 1903.

Anston Thompson,

Kallituklo, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on April 29, 1899, you made application for enrollment as a citizen of the Choctaw Nation, claiming that you were a full-blood Choctaw.

It further appears that you removed from Mississippi to Indian Territory in 1895; that you have never been enrolled by the Choctaw tribal authorities as a member of that tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory on appeal.

Apparently, any rights you may have as a citizen of the Choctaw Nation in the distribution of the tribal property of the Choctaws and Chickasaws would be as a beneficiary under the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of sec-

tion 21 of the act of Congress approved June 28, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It will be necessary, in order that your right may be determined under this provision of law, that you personally appear be-

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fore this Commission, at its office at Muskogee, Indian Territory,
as early as practicable, and there testify relative to your Choctaw
blood, residence in and time of removal from Mississippi.

Respectfully,

Chairman.

M C R 6098

Muskogee, Indian Territory, September 24, 1903.

R. H. Gardner & Co.,
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 17th instant, wherein you ask "Will you kindly inform us whether Austin Thompson has been approved as yet by the Secretary of the Interior? You state "He claims to be Choctaw."

In reply you are informed that the right of Auston Thompson to share in the lands of the Choctaw and Chickasaw Nations has not up to the present time been determined by the Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 30, 1903.

Auston Thompson,

Kullituklo, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on April 29, 1899, you made application for enrollment as a citizen of the Choctaw Nation, claiming that you were a full-blood Choctaw.

It further appears that you removed from Mississippi to Indian Territory in 1895; that you have never been enrolled by the Choctaw tribal authorities as a member of that tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory on appeal.

Apparently, any rights you may have as a citizen of the Choctaw Nation in the distribution of the tribal property of the Choctaws and Chickasaws would be as a beneficiary under the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 496) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the

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Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It will be necessary, in order that your rights may be determined under this provision of law, that you personally appear before this Commission, at its office at Muskogee, Indian Territory, as early as practicable, and there testify relative to your Choctaw blood, residence in and time of removal from Mississippi.

Respectfully,

Chairman.

M C R 6098

Muskogee, Indian Territory, February 17, 1904.

Austin Thompson,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in response to our communication of December 30, 1903, in which you were requested to personally appear at this office to testify in support of your application for identification as a Mississippi Choctaw. In your letter of February 12 you state that you will come to Muskogee about next April.

As previously advised, no further action can be taken in your case until such appearance is made and testimony submitted in support of your claim.

Respectfully,

Commissioner in Charge.

M.C.R. 6098

Muskogee, Indian Territory, April 26, 1904.

J. W. Jones,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask why the name of Austin Thompson is "held up."

In reply to your inquiry you are informed that the name of Auston Thompson appears upon our records as an applicant for identification as a Mississippi Choctaw, but it does not appear that he ever testified in person before this Commission relative to his rights to such identification, and, as he has been previously advised, before any further steps can be taken towards the adjudication of his rights as a Mississippi Choctaw, it will be necessary that he appear before the Commission at its office at Muskogee, Indian Territory, and testify relative to his claim.

Respectfully,

Chairman.

M C R 6098

Muskogee, Indian Territory, June 15, 1904.

Austin Thompson,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you ask to be advised relative to your rights to identification as a Mississippi Choctaw.

In reply you are advised that before your rights to such identification can be determined it will be necessary that you appear at the General Office of the Commission at Muskogee, Indian Territory, and give testimony in support of your claim. It is suggested that you make such appearance at as early a date as practicable in order that your rights may be adjudicated.

Respectfully,

Chairman.

M C R 6098

Muskogee, Indian Territory, June 23, 1904.

Austin Thompson,

Garvin, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application of yourself for identification as a Mississippi Choctaw, it will be necessary for you to make personal appearance before this Commission at its general office at Muskogee, Indian Territory, and testify as to the amount of your Choctaw blood, and answer such other questions as the Commission may propound to you.

Respectfully,

JD

Commissioner in Charge.

M C R 6098

Waskogee, Indian Territory, August 6, 1904.

Bingham & Apple,

Attorneys at Law,

Fishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you ask to be advised the status of the Mississippi Choctaw application of Austin Thompson.

In reply you are informed that the Commission is now considering the rights of this applicant to be identified as a Mississippi Choctaw Indian and it is probable a decision will be rendered in his case in the near future when he will be promptly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 8098.

Muskogee, Indian Territory, September 27, 1904.

J. W. Jones,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying Austin Thompson as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stat., 641), in order for the person so identified to avail himself of the benefits thereof he must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of the identification of the person herein named, as a Mississippi Choctaw.

By the Act of Congress approved April 21, 1904, (Public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that said applicant appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tahomingo, Indian Territory, for the

J. W. J. 2

purpose of making proof of his removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in identifying said applicant as a Mississippi Choctaw. If at the expiration of said time no protest has been filed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Tams Bixby.
SIGNED

Chairman.

Registered.

Incl. M.C.R. 6098.

COPY:

M.C.R: 6099.

Muskogee, Indian Territory, September 27, 1904.

G. A. Spaulding,

Garvin, Indian Territory,

Dear Sir:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying Austin Thompson as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for the person so identified to avail himself of the benefits thereof he must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of the identification of the person herein named, as a Mississippi Choctaw.

By the Act of Congress approved April 21, 1904, (Public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that said applicant appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, for the

G. A. S. 2

purpose of making proof of his removal to and settlement within the
Chectaw-Chickasaw country, at the earliest practicable date.

Respectfully,

WITNESSED

James Bixby.

Registered.

Chairman.

Incl. M.C.R. 6098.

COPY.

M.C.R. 6098

Muskogee, Indian Territory, September 27, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying Austin Thompson as a Mississippi Choctaw.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicant as a Mississippi Choctaw. If at the expiration of that time no protest has been filed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED: *Tame Bixby.*
Chairman.

Registered.

Incl. M.C.R. 6098.

COPY.

M.C.R. 6098

Muskogee, Indian Territory, September 27, 1904.

Austin Thompson,

Garvin, Indian Territory,

Dear Sir:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27 1904, identifying you as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for you to avail yourself of the benefits thereof you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of your identification as a Mississippi Choctaw.

By the Act of Congress approved April 21, 1904, (Public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that you appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, for the purpose of making proof of your removal to and

A. T. 2

settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Registered.

Incl. M.C.R. 6095.

COPY:

M.C.R. 6098.

Muskogee, Indian Territory, September 27, 1904.

S. A. Apple,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying Austin Thompson as a Mississippi Choctaw.

Under the provisions of the Act of Congress approved July 1, 1902, (32 Stat., 641), in order for the person so identified to avail himself of the benefits thereof he must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of the identification of the person herein named, as a Mississippi Choctaw.

By the Act of Congress approved April 21, 1904, (Public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that said applicant appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, for the

S.A.A.8

purpose of making proof of his removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date thereof in which to file protest against the action of the Commission in identifying said applicant as a Mississippi Choctaw. If at the expiration of that time no protest has been filed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tams Bixby*

Registered.

Chairman.

Incl. M.C.R. 6098.

Muskogee, Indian Territory, October 28, 1904.

Austin Thompson,

Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, by reference from the Choctaw Land Office. Therewith you transmit copy of the Commission's decision of September 27, 1904, identifying you as a full blood Mississippi Choctaw, and ask if it will be necessary for you to bring witnesses with you to the land office to further prove your identification and residence, and whether or not you will have to make two trips to file. You further ask to be advised what lands in sections 19, 20, 29, 30, 31, township 5 south, range 23 east, and section 1, township 8 south, range 22 east.

In reply to your letter you are informed that your name has this day been placed upon a schedule of duly identified Mississippi Choctaws to be forwarded to the Secretary of the Interior for his approval. When such schedule has been returned to this office, approved, and the Choctaw and Chickasaw Land Offices notified thereof, which will probably be within the next thirty days, you may then appear at either land office and make selection of allotment, having first submitted satisfactory proof of your removal to and settlement within the Choctaw-Chickasaw country, In-

A T 2

dian Territory. Your proof of removal and selection of allotment may both be made on the same date. If you are able to testify satisfactorily as to your removal to and settlement within the Choctaw-Chickasaw country, it will not be necessary that you produce witnesses.

As requested, there are herewith enclosed you plats upon which have been indicated in red pencil the land heretofore allotted in the sections referred to in your letter; the remainder being subject to allotment.

The copy of decision enclosed in your letter is herewith returned.

Respectfully,

Chairman.

McM 10

9115

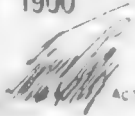
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Translation of Letter #9115.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 1 1900



ACTING CHAIRMAN.

CITIZENSHIP COMMISSION.

CHOCTAW NATION.

Literal Translation of
Letter of Clouston Thompson of Chick-
saw to James Bixby, dated Oct. 13, 1900.

James Bixby, Chairman &c.

Dear Sir: I will write you a
short letter - I received the letter
you wrote me. You did not re-
quest any answer but I will write
any way - I appeared before your
Commission and told you all about
myself and I am glad that you
have notified me ^{to inform you} of any thing else
that I can. My father's name was
Davis Thompson. I have found out since
my appearance, (that is on Dec. 7, 1899)
that I was mistaken as to my age.

My relatives in Mississippi tell
me that I was born in 1882. I
will further notify you that I married
a woman by the name of Bettie Larkin.
This is all I have to write.

Your friend
Clouston Thompson.

To my friend
James Bixby.

INDEXED.

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
911.		Mark	Page
1900			

Hompson Austin

Kullihuklo. I. J

Octo. 13. 1900

Rel. to his age and acknowl-
edging receipt of same.

Glennville Georgia 12/1/00

October 18 1900

Mullitukle St.

Atoka St.

Ans Bilby Dear Sir I get
your please. Moma pik li Chi'ish
Bernillik ma humonasi' Atappara
Anompa pit Chi'malli hope yohmi
Kat Anompa Etissa matok a pisa
Li Tokoke yohmi Kat Anompa
falla ma issa ma Chi'isha Chi
Takings hakinli Kiya Anompa
pit Chi'malli hope yohmi Kat
Anoyat Comession I biyo Chitto a
On Ta no honli' tok yohmi Tok.
Anompa nana ishti Kayo no
Albit Comession at Aiyga tha
he itissa manoli Ka siyok pa
Aiyga li Lash Anompa illappa
pit Chi'malli yoke yohmi Kat
nana Chi'malli Kat Aki hakehi
At yat Divie Thompson Atapp

mi-bha hash-ki hah-chiffa yat
Mullie Thompson Atokoke yohmi Kat
Hatak Chaktokla hat musilife
yamma hatak-chakta yat hiye
tok yohmi tok aini kiya yakni
yamm mat kani'a ma chakta
yat New Territory illappa okla
mi hint ma kanigomi Kat mi ti
tok aini kiya fallamat Aieya sha
toko Anoyak illa hoka to oko go Chat
mi Telli Tokosh whanta li tokosh
Ohoyo Etti hallakti Tokosh whanta
Li hoke yohmi Kat Feb. 12 1900
fil na ohoyo ilti hallakti Tokoke
yohmi Kat Chactaw Aieya hli
Sia hoke yohmi Kat Kanigomi ho
hatak Chakta Aieya hli ohkiya
Chakta Aieya hli kiyo ka ah nit
Aieya sha Chos yohmi ka Kanigoh
mi hokma issa manalla
Chi ki yohmi Kat Afferni

Anaalili Kat Ahla Koffi
toxa Chini hosh Massisepe
yam a Affanammie Asha hli
Aieya sha ka piti ponak lot
hak lali tokope December 7 1899
fik na kash atok ope yohume ma
am anallik mat 1882 fik na
Alta litok mi'a ho hak lali tok ope
yohume tok osh Anompa illappa
pit Chi malli hoke yohume Kat
ohoyo hok Chippo yat Bettie Collin
O elli hallalili tok ope Onni
Anompa illappa Allika
Aieya hli hoke your friend

Auston Thompson Sea hoke
Mrs Duns Bitby A Kanama

For Identification as a Mississippi Choctaw.

Date JAN 17 1901

Name *Auston Thompson*Age *18* Blood *Free*Post-Office, *Kuecitu Kelo, I. T.*Father: *Nicholas Thompson*Mother: *Mollie Thompson - D.*Claims through *both parents*
for Creek alone

Children:

No. 6098

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date June 28 / 04

Name Arthur Thompson

Age

Blood

Full

Post Office,

Garvin 27.

Father:

Mother:

Claims through

Children:

Additional testimony-

Choctaw MCR 6099

Susie Birmingham

MCR 6099

IDENTITY AB 6099
MISSISSIPPI CHOCTAW

Aucie Burningham

CANCELLED Dec. 30. 1903.

*Hol. died in May 1901. See testimony of
Ellen Moore, daughter of Hol. filed in
Jacket H.C.R. 6099.*

Fuller

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 22, 1903.

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In the matter of the application of Ellen Moore, et al., for identification as Mississippi Choctaws.

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Ellen Moore, being first duly sworn, on her oath, testified as follows:

Examination by the Commission:

- Q What is your name? A Ellen Moore.
Q What is your age? A 47.
Q What is your postoffice address? A Cartersville, I.T.
Q How long have you lived there? A Five years.
Q When did you first come to the Territory? A '98; December '98.
Q Where did you come from? A Mississippi.
Q What part? A Neshoba County.
Q What postoffice? A Arden.
Q This application that you made on March 24, 1903, is the third application you have made before this Commission, is'nt it?
A Yes sir.
Q How much Choctaw blood do you claim? A One-half.
Q What is your father and your mother's names? A John and Susan Birmingham.
Q How much Choctaw blood did Susan have? A Full.
Q Full blood Choctaw? A Yes sir.
Q How many brothers and sisters have you? A One brother.
Q What is his name? A Alonso.
Q What are the names of the parents of your mother; your grandparents? A I don't know what his name was, Ishcamba is all I ever heard.
Q When did you hear it? A I have heard it all my life.
Q Do you know how it is spelled? A No sir.
Q What was the name of Ishcamba's wife? A She was called Lucy.
Q Did you ever see them? A Yes sir; I saw my grandmother.
Q Never saw your grandfather? A No sir.
Q When was the first time you saw your grandmother Lucy? A Ever since I was born until I was 12 or 13 years old.
Q You knew her up to 1870? A Yes sir, until I was 10 or 12 years old.
Q You knew her up to 1868? A I don't think I was hardly that old when she died.
Q About how old were you? A I guess I was about 10 or 11.
Q And she died about 1866, the close of the war? A Yes sir, I think it was about that time.
Q Did you have any aunts or uncles, brothers and sisters of your mother? A Yes sir, but I don't remember any of them; I guess they was dead, I heard them say the boy was named Bill.
Q How old was Bill; older or younger than Susan? A I'll declare, I don't know.

- Q How old was your mother when she died? A I guess she was 72 or 73 years old.
- Q When did she die? A In 1901; two years ago last May.
- Q Was Bill older or younger than Susan? A I believe he was older.
- Q About how much? A I would not say for certain whether he was or not.
- Q Where did you get all this information that you have furnished relative to your ancestors? A I guess they all knowed it.
- Q Who? A What I heard my mother say; just say she was a Choctaw.
- Q Do you understand that she possessing Choctaw blood is not sufficient-- do you understand that that alone is not sufficient to prove your case for identification as a Mississippi Choctaw. You have got to show a compliance or attempted compliance on the part of your ancestors with article 14 of the treaty of 1830. Where did you get all this information relative to your grandparents? Did you know anything of your own knowledge? A Nothing but what they said. I heard my mammy talk.
- Q She told you about her parents? A Yes sir.
- Q When did she tell you this? A All her life.
- Q Did she speak to you about the treaty of Dancing Rabbit Creek? A Yes sir, she told me how the white folks treated her.
- Q Do you know what a treaty is? A I suppose so.
- Q Do you know what a contract is? A Yes sir.
- Q A treaty is a contract between Nations? Do you know anything about the treaty of 1830? A Yes sir.
- Q Do you know what that treaty provided? A No much.
- Q You just heard it in the last year or two? A Yes sir.
- Q You don't know then either, from hearing your mother talk, whether your grandparents appeared before Colonel Ward and signified their intention to stay five years? A No sir, I don't know only they had land.
- Q Don't know where it is located? A Yes sir, I have been there; in Neshoba county; been a long time since I was there.
- Q You came from Aden? A Yes sir.
- Q How far from Aden did they reside? A About seven miles.
- Q Which direction? A Aden is North-east from there.
- Q They resided South-west of Aden? A Yes sir.
- Q You stated, I believe, that you did not know whether or not Susan Birmingham, the daughter of Scamby or Lucy Scamby, had any brothers or sisters? A No sir.
- Q Did you have any uncles or aunts on your mother's side? A Had one.
- Q What was his name? A Bill, they called him.
- Q Was your mother the only child of Scamby and Lucy? A No sir; two or three girls and a boy.
- Q You never saw them? A No sir.
- Q Did you ever see your uncle Bill? A No sir.
- Q Did your mother have any other name besides Susan; have a Choctaw name? A Ahetina or Hetina.
- Q Now this is Susan Birmingham's Indian name? A Yes sir.
- Q Did you ever hear Bill's Indian name if he had one? A Yes sir, he had one but I don't remember.
- Q How long have you known that your mother had this Indian name? A All my life.
- Q Didn't you state that you were acquainted with your grandmother, Lucy? A Yes sir, I knew her.
- Q Do you know who her parents were? A No sir, never did hear.
- Q Do you know where Ishcamba and his wife, Lucy, got their land? A No sir.
- Q Did you ever hear that Lucy had an Indian name? A No sir.

BY MR. ROSENWINKLE:

- Q Just how old are you, Mrs. Moore? A I am 47.
- Q Do you know the date of your mother's birth? A No sir, she didn't know herself; she was just guessing.
- Q How did you come to make the statement then that she was 72? A I said 72 or '3; I expect she was 78.
- Q What do you know about it; you don't know anything about it? A Only what she said.
- Q What do you know about your mother's age? A I just guess she was 72 or '3 years old from what she said.
- Q She might have been four or five years older or younger? A No, she couldn't been younger, I don't think.
- Q Have you any family record at home? A Not of her.
- Q Where was your mother and John Birmingham married? A In Mississippi, I suppose.
- Q Where in Mississippi? A In Neshoba county.
- Q You know that? A Only what they told me.
- Q Who told you? A All the people back there.
- Q Do you know who married them? A No sir.
- Q Do you know Mrs. Moore, who prepared these affidavits that were filed in your case in 1896? A I don't know whether I do or not; I reckon Mr. Moore had it done.
- Q He was looking after your business? A Yes sir.
- Q Now, your brother Alenze, what became of him? A I don't know, sir, he went off and I have not heard of him in 20 years.
- Q How much older are you than he? A I am two years older.
- Q Any of his descendants living? A No sir.
- Q Was he ever married? A Yes sir.
- Q What became of his wife? A She died.
- Q No children? A No sir.
- Q How about your uncle Bill; did he have any children? A Yes sir; Well I don't know---no I don't believe he was married.
- Q Now, you say your mother's Indian name was Ahotina; when did you learn that? A I heard them call her that back in Mississippi.
- Q Well, you lived with your mother the greater part of your life? A I lived with her 17 years.
- Q What did she ever tell you about her age? A She didn't know her age; she just told me what she thought she was; she didn't know the date.
- Q Did she tell you how old she was when she was married? A I believe she said she was 25 or 26 when I was born, I forget which.
- Q Did you ever make an effort, or your husband, to get the marriage license of your father and mother? A No sir.
- Q You mother was living in 1896, was she not? A Yes sir.
- Q How does it come that she wasn't a party to this application you made in '96? A I don't know; she was just like the rest, she wouldn't have nothing to do with it; she came out here when we came.
- Q You talked to her about it and she wouldn't have anything to do with it? A She never would talk about coming out here.
- Q You tried to get her to join you in making this application? A Yes sir.
- Q You asked her about it? A No, she never would talk much about it.
- Q Did you try to get her to join you? A No sir.
- Q Didn't you talk to her about it? A No sir.
- Q You never talked to her about it? A No sir.
- Q And you got up this claimant never said a word to her about it? A She never would talk about it.

- Q Did you try to talk to her about it? A Yes sir.
- Q Why didn't she join you? A Well, she just wouldn't have anything to do with it; she didn't want to come out here.
- Q But she did come? A Yes sir.
- Q You tell me, why wouldn't your mother join you in making this application? A I reckon she thought she wouldn't have anything to do with it.; she didn't want to come.
- Q She did come? A Yes sir.
- Q I am asking you about making your application for citizenship; what reasons did your mother give for not wanting to join you in your application? A I never said anything to her about it.
- Q You stated that you talked to her about it; what reasons did she give? A Because she didn't want to come out here.
- Q I am talking about when you got ready to make this application; you talked to her about it then? A Yes sir.
- Q Why didn't she join you? A Because she said white folks fool in them.
- Q You were not afraid of the white folks folling you? A No.
- Q This is your explanation; this is why she didn't want to come out here.
- Q She is a full-blood? A Yes sir.
- Q Who were some of the full bloods that knew her when she came out here? A Mrs. Ward knew my mother.
- Q Who were her neighbors? A Well, Mrs. Evans.

BY THE COMMISSION:

- Q During these three years, where did your mother live? A With me at Cartersville.
- Q What name did she go by; didn't go by her Indian name? A No sir.
- Q How about Jim Bower; did he know your mother? A I don't know him only when some body tells me.
- Q How about Robert Ward; didn't he know your mother? A I guess he saw her.
- Q Didn't you know him? A No sir.
- Q Did your mother talk the Choctaw language? A Yes sir.
- Q Who did she talk Choctaw to down there? A Mrs. Ward and any that would come along.
- Q Was she around Mrs. Ward a great deal? A Yes sir.
- Q You talk Choctaw yourself? A Me; I can talk some.
- Q How much? A No much.
- Q Can you understand them? A Some of them.
- Q You go down there and talk to the full-bloods, do you? A Yes sir, some.
- Q You talk Choctaw to them, don't you? A No sir.
- Q Why don't you? A Because I don't know it good.
- Q What is a house in Choctaw? (She answers in Choctaw).
- Q What is bread? A (Answers in Choctaw).
- Q Well now, Mrs. Moore, how is it that your mother, who was a very old lady and knew all about these things, that you never took her testimony in this case? A Because she wouldn't have a thing to do with it. She was opposed to us coming out here.
- Q Well, it is a fact that your mother lived and was with you all the time you were making this application, and wouldn't join you? A No sir.
- Q And you also make the statement that after she came out here that she was very familiar with Eliza Ward and talked Choctaw with her? A Yes sir.
- Q Are there any further facts you want to testify to to-day? A I

don't know, no sir; don't know as there is.

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D. N. Moore re-called, testified as follows:

- Q Mr. Moore, you testified heretofore that you had charge of this case of your wife in the year 1896? A Well, yes.
- Q I want to ask you this question: Who prepared the application for enrollment and the affidavits of A. J. Dabbs, Mrs. Mariah Burnsides and John Lampkin? A Law me, sir, I have got to study- Rogers, I reckon his name.
- Q Philadelphia, Mississippi? A Yes sir.
- Q You knew what these affidavits contained, didn't you? A Did I, yes sir, I knew something about them.
- Q Rogers fixed them up upon the information you furnished him? A Yes sir.

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The Choctaw and Chickasaw Nations offer in evidence the application for enrollment made to the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, by Ellen Moore and her husband, David N. Moore and their minor children for citizenship in the Choctaw Nation. The Nations also offer in evidence the affidavit of A. J. Dabbs, the witness who on this day appeared in person before the Commission and gave his testimony; said affidavit being filed in support of the application for enrollment hereinabove referred to.

The Nations also offer the affidavit of John Lampkin and the affidavit of Mariah Burnsides; all of said records being on file in the 1896 Choctaw citizenship case No. 1321, and ask that the same be considered in connection with this case.

--0--

Josie Davies, on her oath states, that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in the above entitled cause on the 22nd day of December, 1903, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings had on said date.

Josie Davies

Subscribed and sworn to before me this 30 day of December, 1903.

Edmund Mearns
Notary Public.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., September 18, 1900.

Susie Birmingham,

Oak Lodge, Indian Territory.

Dear madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Mansfield, McMurray & Cernish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The objection raised is, that you have never been admitted to citizenship.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3d, 1900, when the Commission will hold a session at said place.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

7-D-230.

Acting Chairman.

Muskogee, Indian Territory, November 22, 1900.

Ellis Moore,

Cartersville, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 16th instant relative to the protest entered by the representatives of the Choctaw Nation to your enrollment and the enrollment of your children as citizens of the Choctaw Nation.

You desire to be informed as to what it will be necessary for you to do to be admitted to citizenship and if it will be necessary for you to present any additional proof as to your rights.

You are informed that the Commission cannot at this time pass upon the rights of these protested applicants to enrollment. The session of the Commission at Atoka, beginning December 3rd is for this purpose and you have no doubt by this time been furnished by the representatives of the Choctaw Nation with the grounds upon which this objection has been made to your enrollment.

If you desire to offer any additional testimony in support of your application and the application of your children, the Commission will hear such at its session at Atoka and as soon thereafter as practicable will take up for consideration and determine the rights of parties to enrollment as citizens of the Choctaw and Chickasaw Nations whose enrollment is not being protested by the

representatives of these two Nations.

You state in your letter that your mother did not receive a notification as to any protest being entered to her enrollment. On September 18th, 1906, the Commission mailed to Susie Birmingham at Oak Lodge, Indian Territory, the letter which is enclosed you herewith, which was returned to the Commission on November 8th for the reason that the party to whom the same was addressed could not be found. Kindly deliver the enclosed letter to your mother, Susie Birmingham.

Yours truly,

Acting Chairman.

Enc 2

4-D-250
4-D-251

D.O. 18060-1902.

(Copy)

Cartersville, I.T. C.N. Oct. 11, 1902.

Hon. Daws Commission,

I recieve your notice of August the 21 in regard to identifying my mamas Daddy did not take land back there that I knew of therefore I did not think I could identify. I know he did not emigrate to this country he died and was bearried in Neshoba County, Miss. on Pearl River about the year 1857 or 58. My mama Susan or Suzie Burmingham died here in May 1901 she was a full blood Chootaw. Please tell me if she will get a allotment of land and oblige

(Signed) Ellen Moore.

For Identification as a Mississippi Choctaw.

Date JAN 17 1881

Name Susie Burningham

Age 70 Blood Pure

Post-Office, Oak Lodge, I. T.

Father, Shcombe Alama tubb

Mother: Tik-ba-to-na

Claims through half parents
has proof alone

Children:

Monographer

Choctaw MCR 6100

Tom Stallaby

MCR 6100

FOR IDENTIFICATION AS R. 6100
A MISSISSIPPI STATE POLICE

Tom Stallaby

CANCELLED

Jan'y 2. 1903.

Cancelled and record transferred
to Chocklaw #5616.

Full and

Chc
262

[Faint handwritten notes at the bottom of the page]

Choctaw MCR 6101

Henry A. Hawkins

MCR 6101

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mapkogue, Ind. Ter., Sept. 18, 1900.

Mr. Henry A. Hawkins,
Leflore, Indian Territory.

Dear sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The objection raised is that you have never been admitted to citizenship by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered in your case, and it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900, when the Commission will hold a session at said place.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R. 6101.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, September 10, 1903.

Henry A. Hawkins,

Leflore, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on June 22, 1899, you made application for enrollment as a citizen of the Choctaw Nation, claiming that you were a full-blood Choctaw.

It further appears that you removed from Mississippi to Indian Territory in 1897; that you have never been enrolled by the Choctaw tribal authorities as a member of that tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory on appeal.

Apparently any rights you may have as a citizen of the Choctaw Nation in the distribution of the tribal property of the Choctaws and Chickasaws would be as a beneficiary under the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898,

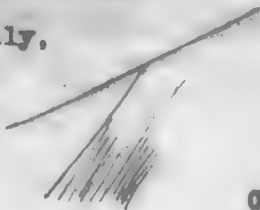
(30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It will be necessary, in order to determine your right under this provision, that you personally appear before this Commission

H. A. H., 3.

at its office at Muskogee, Indian Territory, as early as practicable, and there testify relative to your Choctaw blood, residence in and time of removal from Mississippi.

Respectfully,

A handwritten signature, possibly "J. H. H.", written in dark ink. The signature is slanted and includes a large, sweeping flourish that extends upwards and to the right.

Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 6101

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, December 30, 1903.

Henry A. Hawkins,

Red Oak, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on June 22, 1899, you made application for enrollment as a citizen of the Choctaw Nation, claiming that you were a full-blood Choctaw.

It further appears that you removed from Mississippi to Indian Territory in 1897; that you have never been enrolled by the Choctaw tribal authorities as a member of that tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory on appeal.

Apparently any rights you may have as a citizen of the Choctaw Nation in the distribution of the tribal property of the Choctaws and Chickasaws would be as a beneficiary under the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months af-

H A H 2

ter the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It will be necessary, in order to determine your right under this provision, that you personally appear before this Commission at its office at Muskogee, Indian Territory, as early as practicable, and there testify relative to your Choctaw blood, residence in and time of removal from Mississippi.

Respectfully,



Chairman.

COMMISSIONERS
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 6101

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, June 23, 1904.

Henry A. Hawkins,

Redoak, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application of yourself for identification as a Mississippi Choctaw, it will be necessary for you to make personal appearance before this Commission at its general office at Muskogee, Indian Territory, and testify as to the amount of your Choctaw blood and answer such other questions as the Commission may propound to you.

Respectfully,



Commissioner in Charge.

JD

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 4101

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 9, 1904.

Henry A. Hawkins,

Lefflers, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application of yourself for identification as a Mississippi Choctaw, it will be necessary for you to make personal appearance before this Commission at its General Office at Muskogee, Indian Territory, and testify as to the amount of your Choctaw blood, and answer such other questions as the Commission may propound to you.

*Do this at
once*

Respectfully,



JD

Commissioner in Charge.

M C R 6101.

Muskogee, Indian Territory, October 4, 1904.

Postmaster,

Leflore, Indian Territory.

Dear Sir:

On August 10, 1904, there was returned by you a letter addressed by this Commission to Henry A. Hawkins, Leflore, Indian Territory, with a notation thereon that the addressee was dead.

The Commission will consider it a favor if you will kindly fill out the enclosed certificate of death and return the same to this Commission at your earliest convenience.

An envelope for reply is enclosed herewith.

Respectfully,

Enc. DC.

Chairman.

M C R 6101

Muskogee, Indian Territory, October 11, 1904.

M. H. Harris, Postmaster,
Leflore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 7, 1904, relative to the death of Henry C. Hawkins, an applicant before this Commission for identification as a Mississippi Choctaw, wherein you state that you have learned from Mrs. Lucy Baker Jones, that Henry C. Hawkins died November 21, 1899.

The Commission desires to procure proper evidence of his death, and there is enclosed herewith for this purpose, an affidavit which you will please have filled out and sworn to before a Notary Public, returning same to this Commission in the enclosed envelope.

Respectfully,

Enc. DC & Env.

Chairman.

Commission to the Five Civilized Tribes,
Red Oak, Indian Territory.

In enrollment of Henry A. Watkins as Cheatar by blood; being
sworn and examined by Com'r McKimmon he testified

Henry A. Watkins, twenty-seven years old.

- Q You are a full-blood Cheatar are you? A Yes sir.
Q You came here from Mississippi when? A I came here in 1897
Q What month in 1897? A In November 1897.
Q From what County in Mississippi? A From Perry.
Q Your father a full-blood Cheatar? A Yes sir.
Q And your mother? A Yes sir.
Q Are they living? A No, dead.
Q Have you been living here since that time, in the Territory,
in the Cheatar Nation? A Yes sir.
Q Do you expect to make this your home? A Yes sir.
Q You want to stay here? A Yes sir I want to stay here.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
Stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

UGT 10 1894



CHAIRMAN

INDEXED

37682

Harris, M.H.,
Leflore, I.T.,
Choctaw Nation,
Oct. 7, 1904.

Gives date of death of Henry
C. Hawkins.

HARRIS & SONS
--DEALERS IN--

General Merchandise and Live Stock.

LEFLORE, I. T. Oct 7 1904

Commission To the Deputy Gov. & Treas.

Montgomery, Ala. -

Gentlemen

Replying to favor of 4th inst. M. C. R. 6101
relative to death of Henry C. Hawkins. I learned to day
from Mrs. Lucy "Baker" Jones that this man died
Nov - 21st 1899. If you want proof of death sworn
to before Notary Public let me know.

Very truly yrs -
M. W. Harris
Jm

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 5 1904



CHAIRMAN



General Office

U. S. P. O.
6107

Advising that it will be necessary
to appear before Commission and ter-
tary relative to Choctaw blood, re-
ference in and time of removal from
Mississippi.

Henry A. Hawkins,

~~Red Oak, Indian Territory.~~

Unclaimed *Lyflore*

Department of the Interior.

- Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



*Returned to
Writer*

6101.

July



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

NOV 24 1903

CHAIRMAN



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED

AUG 12 1904

CHAIRMAN





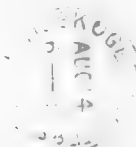
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 16 1904

A handwritten signature in dark ink, appearing to be "J. H. ...".

CHAS. H. MAN





DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 23 1904

A handwritten signature in dark ink, appearing to be "T. P. ...".

CHURMAN.

No. 6101

For Identification as a Mississippi Choctaw.

Date JAN 17 1901

Name Henry A. Hawkins

Age 29 Blood Full

Post-Office, Leflore, S. T.

Father: Lewis Hawkins - d.

Mother: Nancy Hawkins - d.

Claims through both parents

for proof alone

Children:

Stenographer

Choctaw MCR 6102

Cornelia English

MCR 6102

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Cornelia English, et al.,
for identification as Mississippi Choctaws, M. C. R. 6102.

-----0-----

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of
Cornelia English, et al.

-----0-----

Page.

Original application of Cornelia English,
et al., to the Dawes Commission, for iden-
tification as Mississippi Choctaws,..... 1

Testimony of Joe Robinson,.....10

Decision of the Commission refusing the
application of Cornelia English, et al.,
for identification as Mississippi Choctaws,.....12.

-----0-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., July 24th, 1902.

#6102.

-----000-----

In the matter of the application of Cornelia English for the identification of herself and her three minor children, Esther, Jimmie and Ruby English, as Mississippi Choctaws.

S. W. Isaac, attorney for applicant.

Cornelia English, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Cornelia English.
Q English? A Yes sir.
Q How old are you? A Twenty-nine years old.
Q How much Choctaw blood have you? A One half.
Q What is your post office address? A Texarkana, Texarkana, Arkansas or Texas? A Texas.
Q How long have you lived in the state of Texas? A I have been in Texas all my life.
Q Is your father living? A No sir.
Q What was his name? A Tom Chilletah.
Q How do you spell that last name? A Chilletah.
Q Is your mother living? A Yes sir.
Q What is her name? A Nancy Chilletah.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q When did he die? A He died in '97.
Q How old was he at the time he died? A He was fifty-three years old.
Q Were he and your mother living together as husband and wife at the time of his death? A Yes sir.
Q Your mother has no Choctaw blood? A No sir.
Q Where was your father born? A In Mississippi.
Q What county? A I don't know sir, what county it was in Mississippi.
Q When did he leave the state of Mississippi? A He left there--let me see--I don't know just how long it has been since he left there.
Q When were they married? A They were married inn'66 I think he has told me.
Q They lived together continuously as husband and wife up until the time of his death did they? A Yes sir.
Q Were they married under a license? A I think so.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother. You will be allowed a period of fifteen days from this date in which to furnish such evidence.

- Q Your father you claim was a full blood Choctaw do you?
A Yes sir.
Q Did he have a Choctaw name? A Yes sir.
Q What was his name? A Chilletah.
Q Spell it? A C h i l l e t a h.
Q Do you know the names of his parents? A They were Chilletahs; that all I know.
Q You don't know their given names? A Grandmother was named Sidney Chilletah; I don't know grandfather's name.
Q What did you say was your grandmother's name? A Sidney Chilletah.
Q Did she ever have any other name? A Not that I know of.
Q Did she have any children older than your father? A She had some children; I don't know whether they was older than he or not.
Q When did she die? A I don't know.
Q Did you ever see her? A No sir.
Q Do you know the year in which she was born? A No sir.
Q Do you know the name of her father? A Grandmother's father?
Q Yes? A No sir.
Q Or her mother? A No sir.
Q Do you know the name of your father's father? A No sir.
Q Or of his mother? A My father's mother?
Q Father's father's mother? A No sir, I don't know the name.
Q Did your father's parents live in Mississippi all their lives?
A Yes sir.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir, not that I know of.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Jim English.
Q Jim English? A Yes sir.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him then? A No sir.
Q Have you any children living? A Yes sir.
Q How many? A Three.
Q What are their names and ages, the oldest first? A Rather English, thirteen.
Q Next one? A Jimmie English.
Q How old is he? A Twelve.
Q Next one? A Ruby English.
Q How old is Ruby? A Eight.
Q Rather and Ruby are girls, and Jimmie is a boy? A Jimmie and Rather are girls and Ruby is a boy.
Q This application then is in behalf of yourself and three minor children? A Yes sir.
Q Are these three children living with you at this time? A Yes sir.
Q Are they all three the children of yourself and Jim English?
A Yes sir.
Q Was your mother a slave? A Yes sir.
Q Your father? A No sir.

#3.

- Q Is your name or the name of any one of your children to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory, for yourself or any of these children, to be admitted or enrolled as members of the Choctaw tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Has any application of any description ever been made before to-day in your behalf or in behalf of any one of these children, for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children, under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Neither you nor any one of your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory have you? A No sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830, nearly seventy-two years ago, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave the old Nation, and for the benefit of those who insisted on being permitted to remain there what is known as the fourteenth article was put into the treaty. That fourteenth provided that upon certain conditions a Choctaw who preferred to remain back in the old Nation and not move out west to the new country might receive land back there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent.

#4

If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article? A I don't know anything about that article.
- Q Well now I have quoted it to you in full; do you think you understand it? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
- A Not that I know of unless it was grandfather.
- Q And you don't know what his name was? A Grandfather? Yes sir; Chilletah.
- Q Well, his given name? A I don't know sir what it was.
- Q You don't know in fact whether he did comply or tried to comply with this treaty provision do you? A No sir; I think I heard father say he did.
- Q Can you swear that you heard your father say that positively?
- A Yes sir.
- Q When did you hear him say that? A That was before he died; long time before he died.
- Q Where did he tell you that? A He told it at home.
- Q How old were you when he told you that? A I don't know how old I was.
- Q When did you first hear of the treaty of Dancing Rabbit Creek?
- A I don't know sir what year it was, but I was small; but I remember hearing him speak of it.
- Q What one of your Choctaw ancestors was living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty of Dancing Rabbit Creek was made? A Grandfather.
- Q Did he or any other one of your Choctaw ancestors own an improvement back there in the old Nation when this treaty was made? A Did grandfather own any land there?
- Q Did he or any other of your Choctaw ancestors own an improvement back there when this treaty was made? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there and become citizens of the states and take land?
- A Grandfather wanted to stay and did stay; he settled on land there in Mississippi.
- Q That doesn't answer my question; I asked you if any of your Choctaw ancestors let the Agent of the government back there know that they wanted to become citizens? A I don't know sir.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?
- A Not that I know of.
- Q Did any of them ever claim or receive any land in the state of Mississippi from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Explain that again, please.
- Q Did any of your Choctaw ancestors, or forefathers, ever claim or receive any land in the state of Mississippi from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I think grandfather did.

#5.

- Q What makes you think he did? A Well, I heard father say he settled on land there.
- Q Did you ever hear that he got it under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q When did you hear that? A I heard father say so.
- Q When did you hear it; tell us just when it was that you heard your father state that his father had gotten land under this fourteenth article and what brought about the conversation on this point; tell us all about it? A Well, father told me that he was a full blood Choctaw and that his mother and father was Choctaws, and he was telling us about it that when he died we could look out for what was for us in the Nation and he was telling us about the different treaties and one thing and another.
- Q Tell us what he told you about this fourteenth article; that is what I am interested in? A He said grandfather had settled on land there under the fourteenth article some way; I was small and don't remember just how he explained it, but I remember him explaining it.
- Q How old were you when this explanation was made to you? A I don't know sir how old I was then.
- Q You understand that you are under oath here don't you? A Yes sir.
- Q Do you know whether he ever got any of that land back there from the government? A My grandfather?
- Q Yes? A No sir, I do not.
- Q Never heard your father say that your grandfather did get land back there from the government? A No sir, he said he settled on land and lived there until he died.
- Q Did he tell you where that land was? A Said it was in Mississippi.
- Q Didn't tell you in what part of Mississippi that land was situated? A No sir.
- Q Nor how much there was of it? A No sir.
- Q Didn't tell you whether he was living on that land in 1830 when the treaty was made did he? A Yes sir, grandfather was living there then he said.
- Q Did he say that your grandfather was living on this particular tract of land in 1830 when this treaty was made? A Yes sir.
- Q How long after that treaty was made that he lived on that land do you know? A No sir, I don't know.
- Q You have no idea in what part of the state it was located? A No sir, just Mississippi is all he told me.
- Q Do you know who the land belonged to? A No sir; government land I reckon; I don't know.
- Q Do you know whatever became of it? A The land?
- Q Yes? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land,

and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the government under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Grandfather did.
- Q He did? A That's the same question you asked a while ago?
- Q No, it isn't the same question I asked you a while ago by a long ways. I asked you if any of your ancestors appeared before any of these Commissioners who went down to Mississippi between the years 1837 and 1845 and attempted to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No t that ih I know of.
- Q Have you had any suggestions offered you as to how you should answer any of the questions propounded to you? A No sir.
- Q You have not? A No sir.
- Q You swear positive to that do you? A Yes sir.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of.
- Q You don't know then whether any of your ancestors ever did receive any benefits as Choctaws do you? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe in 1830 when this treaty was made? A No sir, I don't know.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
- A Yes sir, I can give you some names.
- Q Well tell us who they are and where they live? A Edmund pounsey.

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- Q Where does he live? A He lives here somewhere; I think he us
used to live there, but I think he is somewhere here in the
Territory.
- Q Well, give us another one? A Nelson Bradford.
- Q Where does he live? A He's inn the Territory somewhere.
- Q You don't know where? A No sir, I don't know where, but I
can look them up.
- Q Know of any others? A I co ould get some more in Texas.
- Q How do you mean to swear that these people whose names you have
given us would know whether your people who were living back
in Mississippi in 1830 complied with this treaty provision; is
that the statement you want to make? A Yes sir.
- Q Did you ever talk to them about it? A He sir, I haven't talk-
ed to them about- - I mean I haven't talked with them lately,
but I heard papa talking about it before he died.
- Q About what? A This treaty.
- Q As a matter of fact you don't know then whether these people
whose names you have given in fact knew whether any of your
people complied with this treaty provision in 1830 or not?
- A I think they do, for I heard father say they knew about it, and
told me if I needed any information in case he died why I could
call on these people.
- Q Well did your father ever make any attempt to establish his
rights as a Choctaw Indian? A No sir.
- Q How did it come you never made any before now? A How come it
I didn't make any?
- A Yes? A I didn't know how to make it.
- Q Do you know of any written evidence which would prove or tend to
prove that any of your ancestors ever complied or attempted to
comply with the provisions of article fourteen of the treaty of
Dancing Rabbit Creek or ever received any benefits thereunder?
- A No sir, I don't know of any.
- Q Have you any written evidence of any kind to offer to-day?
- A No sir.
- Q Any witnesses hereto-day? A Yes sir.
- Q How many? A One.
- Q What is his name? A Joe Robinson.
- Q What do you expect to prove by Joe? A Well, I can prove by
him that mother and father were man and wife; that I am his
child and that my father was a full blood Choctaw.
- Q That all you can prove by him? A I don't know that that's
all, but - - -
- Q Well, what else can you prove by him--what else? A I can
prove that he had three children and that I am the youngest
child.
- Q Does this witness know whether any of your father's ancestors
ever complied or attempted to comply with the provisions of
article fourteen of the treaty of Dancing Rabbit Creek or ever
received any benefits under that article? A I don't know.

If you should find any other witnesses whose testimony
you desire to have taken before the Commission they may appear
before us at Muskogee, Indian Territory within a period of
fifteen days from to-day and their testimony will be taken;
or if you should desire to offer any written evidence in sup-
port of this application, such proper written evidence as may

be offered within a period of fifteen days from to-day will receive the consideration of this Commission.

Q Any further statements you care to make? A No sir.

By the attorney:

Q What was your grandfather's name you stated a while ago?

A Chilletah.

Q Never did claim that he had any other name than Chilletah?

A No sir, I never did know any.

Q How old was your father when he died? A Fifty-three.

Q When did he die? A '97.

Q Well, about when, as far as you can learn from your father, did he come from the state of Mississippi to the state of Texas?

A He came from there after '65.

Q Do you know what part of Mississippi he came from? A No sir.

Q Never got any impression from him as to what part of Mississippi he came from? A No sir.

Q You have no idea from what you learned from him as to where your grandfather was living when your father came from Mississippi to Texas? A No sir.

Q Did you hear him say anything with reference to how old your grandfather was when he left Mississippi? A No sir.

Q Then of your own knowledge you don't know where your grandfather was living in 1830? A No sir.

Q Got no impression as to that from your father? A No sir.

Q Did you get an impression from your father that your grandfather your father's father, was the head of a family in Mississippi in 1830? A Yes sir.

Q You only know from what he said; you don't know anything about it yourself? A No sir.

Q Did you ever learn whether your grandfather, your father's father, ever came from Mississippi to the Choctaw Nation?

A No sir.

Q What is your impression as to that—that he stayed in Mississippi or came to the Choctaw Nation? A He stayed in Mississippi.

Q Now in fact do you know or claim to know anything about this fourteenth article of the treaty of 1830? A I don't know anything only what father said.

Q You have heard him tell about his father being the head of a family there in the old Nation ~~there~~? A Yes sir.

Q Did your father claim to know anything about this fourteenth article of the treaty of 1830? A No sir.

Q You only got the impression from your father then that his father was the head of a family back you don't know when in the state of Mississippi? A Yes sir.

Q And you got an impression from him that he owned land?

A Yes sir.

Q These witnesses you spoke of where are they from formerly?

A Which one?

Q Thompson and some other witness you gave a while ago—where were they born? A I think in Mississippi.

Q They are not the only ones that know something about your grandparents are they? A No sir.

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- Q Where did your father and mother live as man and wife until the death of your father? A Texas.
- Q What part of Texas? A Cass county, Texas.
- Q Don't know whether they were married by a license or not do you?
- A No sir, I don't know.
- Q Where they were married? A They were married in Mississippi.
- Q Do you know whereabouts in Mississippi they were married?
- A No sir.
- Q What is the nationality of your mother? A Negro.
- Q All negro—full blood? A No sir.

By the Commission:

- Q In answer to a question asked you by the Commission in direct examination you responded that your father had told you that his father had gotten land or settled upon land in the state of Mississippi under the fourteenth article of the treaty of Dancing Rabbit Creek didn't you? A Yes sir.
- Q That's what you said? A Yes sir.
- Q And then when your attorney asked you if your father claimed to know anything about that fourteenth article you testified that he had never said anything about that at all; the only thing you ever heard him say was that his father was the head of a family in 1830? A Yes sir, he was the head of a family.
- Q Now you were mistaken in one of these questions weren't you?
- A I don't know sir.
- Q Now as a matter of fact, tell us did your father ever tell you anything about this fourteenth article of the treaty of Dancing Rabbit Creek or ever mention it at all? A He was trying to tell me something about it but I was young and don't remember all he said.
- Q As a matter of fact you never did hear him mention the fourteenth article of the treaty of Dancing Rabbit Creek in your life did you? A I heard him mention something like that.
- Q But you didn't hear him mention the fourteenth article of the treaty of Dancing Rabbit Creek did you? A That's what I understood it to be.
- Q How many times did you ever hear him mention that fourteenth article? A I don't know sir how many times.
- Q Tell us about how many times; was it once, twice or a dozen times? A I am satisfied I heard him mention it twice.
- Q Have you any brothers or sisters living? A No sir.
- Q Did you ever have any brothers or sisters living? A Had two sisters.
- Q Full sisters? A Yes sir.
- Q Did either of them leave children? A Yes sir, one of them did.
- Q How many children did she leave? A Four.
- Q Are they living now? A Yes sir.
- Q What are their names? A Ellen Waring.
- Q Next one? A Henry Waring.
- Q Next one? A Lonnie Waring.
- Q Next one? A Lena Waring.
- Q Have they ever been before this Commission? A No sir.
- Q What was the name of their mother? A Sallie Waring.
- Q Did your father ever have any brothers or sisters? A I have heard him say he had three brothers and one sister.

- Q Did you ever see any of them? A No sir.
 Q Do you know what their names were? A One was John Chilletah.
 Q Now the next one? A Ike Chilletah.
 Q Next one? A George.
 Q Next one? A Luvonia.
 Q Did Luvonia marry? A I don't know sir.
 Q Now were these brothers and sister older or younger than your father? A I don't know sir whether they were or not; I just heard him say he had three brothers and one sister; I don't know anything about the ages.
 Q Do you know if any of them had a Choctaw name? A Chilletah.
 Q That's the only Choctaw name they had is it? A Yes sir, all I know of.
 Q Did any of them leave children? A I don't know.
 Q Any of them ever move out to Texas? A I don't know sir.
 Q Do you know when they died? A No sir.
 Q Do you know where they lived during their life? A No sir.
 Q You don't speak or understand the Choctaw language do you?
 A No sir.

This applicant has the appearance of being possessed of a mixture of negro and either white or Indian blood, in which the negro blood largely predominates; she has the features and facial expression of a negro, though her hair is inclined to be straight; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Applicant excused.

Joe Robinson, being called as a witness and duly sworn, testified as follows:

- Q What is your name? A Joe Robinson.
 Q How old are you Joe? A About seventy-five sir.
 Q Where were you born? A South Carolina.
 Q How long did you live there? A I left there before the war.
 Q Were you a slave? A Yes sir, I was a slave.
 Q Where did you go to from South Carolina? A To Texas.
 Q Lived there ever since have you? A Ever since yes sir.
 Q What is your post office address? A Lee.
 Q Indian Territory? A Yes sir, twenty miles west of this place.
 Q You have no Choctaw blood have you? A No sir.
 Q Are you acquainted with Cornelia English who appeared before the Commission here this morning? A Yes sir, I knew her.
 Q How long have you known her? A Ever since we were little kids; but I don't know exactly what year it is.
 Q You have known her ever since she was a child? A Since she was a child, yes sir.
 Q Are you any relation to her? A Yes sir.
 Q What relation--what kin are you to her? A No? I am no kin at all.
 Q Are you interested in any way in the result of her application?
 A Yes sir.

#11.

- Q I mean does it mean anything to you if she succeeds and gets her land or not? A No sir.
- Q You have no interest then in her claim? A No sir.
- Q What is your occupation; what do you do for a living? A Farming.
- Q Farming? A Yes sir.
- Q Well, did you know Cornelia English's father? A Yes sir.
- Q What was his name? A Tom Chilletah. Excuse me my tongue is so heavy I cant get those words out.
- Q Well you were acquainted with Cornelia's mother? A Yes sir.
- Q What was her name? A Nancy Winson before she married.
- Q She was a slave? A She was a slave, yes sir.
- Q Well, was Tom a slave? A No sir.
- Q Never heard of Tom having any Indian blood? A Yes sir, said he he was full blood Choctaw; I have seen him and talked with him.
- Q Did you get acquainted with him before the civil war or after? A Before this last war we had?
- Q Yes sir; Civil War--Confederate War? A No sir, after that.
- Q How long after Emancipation? A Well, come to where I was I reckon about two or three years after the war.
- Q You don't know where he lived before you got acquainted with him? A He told us Mississippi and he would come to see us on his way back home he said from the Choctaw Nation, and he come to Texas; he got work and thought he was doing so well and finally he never came. I lived there twelve years ago and when I came out here he told me he would come out the following year but he never did get out here.
- Q Did you ever hear him say if he ever got any land in down in Mississippi from the government of the United States? A No sir.
- Q You don't know whether he ever owned any land back there in the old Choctaw Nation in Mississippi or Alabama? A No sir.
- Q Did you ever hear of his ever having gotten any scrip from the government? A No sir.
- Q You don't know whether he was ever a recognized member of the Choctaw tribe of Indians or not do you? A No sir.
- Q Do you know the names of his parents? A No sir, I don't know the names of his parents; all I know is him; that's all I can give account of as him.
- Q Have you told us all you know about his being possessed of Choctaw Indian blood? A Yes sir, he was a full blooded Choctaw and never been a slave.
- Q Was he married to this woman Nancy? A Yes sir.
- Q Where did he marry her? A Mississippi.
- Q How do you know? A The reason I know is that the man that married them they all came together to Texas.
- Q Well, did Tom and Nancy live together as husband and wife until he died? A Yes sir.
- Q When did he die? A They lived together as long as I know.
- Q My question was: When did he die? A I couldn't tell you; after I came out here.
- Q How many children were born to them? A Tom? Three.
- Q All the same mother? A Yes sir.
- Q And same father? A Yes sir.
- Q What are their names? A One--the oldest one named Ella and next one was Nellie--what we called Nellie Ann--and the youngest

Q12.

one that's her new--Cornelia

By the attorney:

- Q What was the name of Mrs. English's mother you say? A Nancy Winson.
- Q How do you pronounce that, Winson or Vinson; do you pronounce Vinsen Winson or can you say Vinsan? A Winson.
- Q Did you know Nancy Winson and Tom Chilletch to be married and reputed and held out to the public as married? A Yes sir.
- Q Everybody recognized them as being man and wife?
- A Being man and wife, yes sir.

By the Commission:

This witness is a negro of apparently below average intelligence.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 24th day of July, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 16 day of August, 1902.

J. G. Renter

Notary Public.

COPY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Cornelia English,
et al., for identification as Mississippi Choctaws, M.C.R. 6102.

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Cornelia English for herself and her three minor children, Esther, Jimmie and Ruby English, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant herein claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of alleged full blood Choctaw grand-parents, whose surname she gives as Chilietah. She does not know the given name of

her grand-father through whom she claims, but states that her grand-mother bore the name of Sidney Chilletah, and that both of them resided in Mississippi in eighteen hundred and thirty. The minor applicants herein being the children of the principal applicant, their claims are identical with hers.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. 321).

The name Cheletah is found on pages 58, 71, 100 and 124 of Volume VII, American State Papers, Public Lands; the name Chilletah is found on pages 106 and 136 of said record; the name Chileta is found on pages 184 and 216 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742; the name Chilletah appears on page 418 of said record; the name Chilleta is found on page 249 of said record and the name Chilita on page 941 thereof, all of the aforesaid citations appearing in various lists, schedules and depositions, in the records mentioned. There is nothing in the testimony submitted by the applicants which tends to show that any one of the persons mentioned in the records as above cited, is identical with the ancestor through whom they claim,

neither does it appear therein that any of the ancestors of the applicants ever complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the Acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelia English, Esther English, Jimmie English and Ruby English as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED) Jams Birby.
Acting Chairman

(SIGNED) T. B. Needles.
Commissioner

(SIGNED) C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory

FEB 2 1903

Muskogee, Indian Territory, August 20, 1902.

Received of the Commission to the Five Civilized Tribes one copy
of the testimony of Cornelia English in the matter of the appli-
cation for identification as Mississippi Choctaws of Cornelia
English, et al., M C R 6102.

J. M. Isaac
Attorney for applicants.

M.C.R. 6102.

COPY.

Muskogee, Indian Territory, February 2, 1903.

Cornelia English,

Texarkana, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Cornelia English, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the Act of Congress of June 26, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelia English, Esther English, Jimmie English and Ruby English as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together

C. H. P. R.

with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

M.C.R. 6102.

COPY.

Muskogee, Indian Territory, February 2, 1903.

W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Cornelia English, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelia English, Esther English, Jimmie English and Ruby English as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty; and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file

S. W. I. #2.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6102.

Muskogee, Indian Territory, February 2, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Cornelia English, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelia English, Rether English, Jimmie English and Ruby English as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamr Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Cornelia English, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 8, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith, brief and argument by S. W. Isaac, Esq., attorney for the applicant, in relation to this case, filed with the Commission subsequent to the rendition of the decision herein.

Respectfully,

Tamie Kirby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

3 inclosures: M.C.R. 6102.

D.C.22228-1903
J.P.
ITD.5368-1903.
3368-1903.

(Copy)

WOF
RAF

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 18, 1903, you transmitted the record in the matter of the application for identification of Cornelia English and her minor children, Esther, Jimmie and Ruby English, as Mississippi Choctaws, including your decision of February 2, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, claiming that the grandparents of the principal applicant were full blood Choctaw Indians and residents of Mississippi in 1830. The principal applicant states that her grandfather's name was Chilletah; she cannot state his given name. Her grandmother's name is given as Sydney Chilletah. The evidence shows that Tom Chilletah, father of the principal applicant, was born in Mississippi in 1844. It appears from your decision that the names, Cheletah, Chillatah, Chilets, Chiletah, Chillets and Chilits, appear upon the records in your possession.

Reporting March 27, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that one

-2-

Chilletah was awarded scrip, and that Chilleta was a female minor child of Ho-shin-she-he-mah, a scrippee.

Reporting further in the matter July 2, 1903, the Commissioner of Indian Affairs sets forth further information concerning said families. Copies of the Indian Office letters are inclosed.

The Department is of the opinion that inasmuch as the ancestors through whom the applicants claim, were identical in name with those who complied with the provisions of the treaty of 1830, the case should not be finally adjudicated at the present time. It is hereby remanded for further investigation. In conducting the same it is desired that you follow, so far as applicable, the instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

4 inclosures.

Land
12830-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes, in the matter of the application of Cornelia English for herself and her three minor children, Esther, Jimmie and Ruby English, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on February 2, 1903.

The applicants claim the right to identification as Mississippi Choctaws by reason of their descent from alleged full blood Choctaw grand-parents whose surname, according to the testimony, was Chilletah. The principal applicant was unable to state the given name of her grand-father through whom she claims, but stated that her grand-mother's name was Sidney Chilletah.

The Commission found that the name Cheletah appears on pages 68, 71, 100 and 124 of Volume VII, American State Papers, public lands; that the name Chilletah is found on pages 106 and 136 of said record; that the name Chileta is found on pages 184 and 216 of Volume 1 of the record of the case of the Choctaw Nation v.

The United States in the Court of Claims (No. 12742) and that the names Chiletah, Chillata and Chilita are found on pages 418, 249 and 941, respectively, of said Court record.

The Commission bases its decision rejecting the applicants on the ground that there is nothing in the testimony submitted by the applicants which tends to show that any of the persons mentioned in the above records is the identical ancestor through whom they claim, and that it does not appear therein that any of the ancestors of the applicants ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or presented a claim to rights thereunder under the Acts of March 3, 1857 and August 23, 1842 (5 Stat., 180-513).

An examination of the records of this office has disclosed the name of Chille-tah among those who ^{were} awarded scrip. The name of Chil-le-ta appears as the female minor child of Ho-shin-she-ho-mah, a scrippee. Che-le-tah, Chillatah and Cheletah are among those who applied for or received benefits under the 19th Article of said treaty, and Cheletah had lands in cultivation in Mississippi in 1830. Capt. Chilota and Chil-e-tah removed west prior to February 11 and December 16, 1832, respectively.

As there is nothing in the testimony that tends to show that any of the ancestors from whom the applicants claim descent was identical with the Chille-tah or Chil-le-ta who received benefits under the 14th Article of the treaty of 1830, and as it is quite as likely that said ancestors were among those who were ben-

ficiaries under the 19th Article of said treaty or who removed west, it is apparent that the decision of the Commission rejecting the applicants is correct and its approval is therefore recommended.

Accompanying the record in this case is a brief and argument filed with the Commissioner by S. W. Isaac, Esq., attorney for the applicants, in support of their applications.

Very respectfully,

A. Q. TONNER,
Acting Commissioner.

R. B. F.

L.

Land
35021-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, July 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge the receipt of Department letter dated June 5, 1903, requesting further information as to what the records of this office show with respect to the ancestors of Cornelia English, et al., applicants for identification as Mississippi Choctaws, the record in which case was submitted to the Department with Office report of March 27, 1903, with recommendation that the decision of the Commission to the Five Civilized Tribes rejecting the applicants be approved.

The Department states that it seems that said applicants are the descendants of certain full-blood Indians named Chilleteh; that it appears from the report of this Office and the decision of the Commission, that there were certain persons having the same or similar names, who complied or attempted to comply with the provisions of Article 14 of the treaty of 1830; that in said Office report it was stated that "an examination of the records of this Office has disclosed the name of Chille-tah among those who were "awarded scrip", and that "the name of Chil-le-ta appears as the female minor child of Ho-shin-she-ho-mah, a scrippee."

Agreeably with the request of the Department, the proof in connection with the family of Chille-tah, case No. 209, taken by Claiborne and Graves, Commissioners, February 25, 1843, is copied as follows:

Saturday morning Feby 25th, 1843.

The Board met pursuant to adjournment. Present same Commissioners.

CASE 209.

Chil le tah - a full blood Choctaw man, five ft. 7 in. scar on the left cheek says he is fifty-two. His statement filed.

1. Witness Omubbee or Bob being first sworn

Gives the name of Claimant and are distant relations. Knew his family well at date of Treaty. He is a Choctaw and was the head of a Choctaw family at that time. He had then a wife now dead, and the following children--

Viz. 1. Is to nah hahn tubbee absent.

2. To no te mah, woman present.

3. Tillemah, woman present.

4. Min tubbee, boy present.

All these children were living with claimant at date of Treaty & unmarried, the two first over ten & the two last under ten years of age at date of Treaty. At that time, he claimant lived in a separate house to himself, but cultivated a field under the same fence with Ah wateeah (mother of witness) & Hopeah home. Cribbed their crops separately.

He then lived six miles west of Hayville, Leake Co., 1/4 mile east of Yockhookeny, Stemelaches Company & Leflore District.

His land was good & used spring water.

He still lives on the place never left or the ceded county or any of his children.

The proof in the case of Ho-she-sha-ho-ma (or Ho-shin-she-ho-mah) No. 141, father of Chil-le-ta, taken by Murray and Vroom Commissioners, at Leflore's Mississippi on February 16, 1838, is copied as follows:

Ho-she-sha-ho-ma, dead, his daughter Ho-yo-na appears. A. Halscy Counsel. Forrester, attg.

Moontubbee a witness for claimant being sworn deposes as follows:

That he was acquainted with Ho-she-she-ho-ma. He died last fall was a year; knew him at the time of the Treaty. He then had a wife named Michahoya, she died about 3 years since. They had 3 children living with them at the time of the Treaty, the oldest is Ta hona a female not here. She set off to come here but her child was taken sick and she turned back. She was about 15 years old at the time of the Treaty, lived at home with her father at that time and was unmarried. Has been married for some time, he thinks a short time after the Treaty to Pan-she-chubbee, a son of Shema umbee.

2. Chilleta, a female died last summer, thinks she was about 13 years old at the time of the Treaty; lived with her father at the time of the Treaty.

3. Hoyona a female (points her out) thinks she was a little more than 10 years old at the date of the Treaty; was unmarried and lived with her father at the time of the Treaty. She was married lately, but her husband did not like her and threw her away.

Hosheshahoma lived at the time of the Treaty a little more than a mile this side of Tallahoma, a little less than a mile from him. He was a full blood Choctaw.....

The records of this office show that scrip was issued in behalf of Chille-tah as the head of a family consisting of himself and his children, Ish-to-mah-lona-chubbee and To-no-te-mah, who were under ten years of age and Tille-mah and Kin tubbee, who were over 10 years old at the date of the Treaty of 1830. Chille-tah's residence was on Sec. 27, T 11 N., R 6 E. in what is now Leake County, Mississippi.

Scrip was issued in behalf of Ho-shin-she-homa, deceased, as head a family consisting of himself and three female children over ten years of age, viz: Tahona, Chilletah, (dead) and Hoonah. The residence of the family at the time the application for scrip was made is given in the testimony hereinbefore quoted.

With reference to the further request of the Department to be informed whether it appears from the records of this office that certain persons who received benefits under the 19th article

-4-
of said Treaty, viz: Che-lo-tah, Chilletah and Cheletah, and certain other persons named Cheletah and Chille-tah, whose names appear in Volume 7, American State Papers, Public Lands, and Chileta whose name is found in Volume 1 of the record of the case of the Choctaw Nation vs. The United States in the Court of Claims (No. 12742), ever attempted to comply with the provisions of article 14 of said treaty by signifying, within six months after the treaty of 1830, their intention to remain in Mississippi and become citizens of that State, the office would respectfully report that its records fail to show that any of said persons ever complied or attempted to comply with the provisions of said Article.

Very respectfully,

W. A. JONES,

Commissioner.

E. B. F.

L.

M.C.R. 6102

Muskogee, Indian Territory, August 31, 1903.

Cornelia English,
Texarkana, Texas.

Dear Madam:

The Secretary of the Interior with his letter of August 6, 1903, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that you be granted an opportunity to introduce additional testimony and evidence in support of your claim.

The record in your case shows that you claim descent from alleged full blood Choctaw grand-parents surnamed Chilletah. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 show -

"that one Chilletah was awarded scrip, and that Chilleta was a female child of Ho-shin-she-ho-mah, a scrippee".

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14 contain certain information relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating

Cornelia English, 2.

the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates; and that, for purposes of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, October 1, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in

Cornelia English, R.

of this case.

Respectfully,

Chairman.

R Dep.

stered.

M.C.R. 6102

Muskogee Indian Territory, August 31, 1903.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of August 6, 1903, remanded to this Commission the record theretofore forwarded the Department in the matter of the application of Cornelia English, et al., for identification as Mississippi Choctaws, with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The record in this case shows that the applicants claim descent from alleged full blood Choctaw grand-parents surnamed Chil-letah. The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 show -

"that one Chilletah was awarded scrip, and that Chilleta was a female child of Ho-shin-she-he-mah, a scrippee".

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14 contain certain information relative to the persons whose names appear thereon, showing:

1st. Their description.

S.W. Isaac, S.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates; and that, for purposes of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, October 1, 1903, hear the testimony of such witnesses as may present themselves in person and receive for con-

S.W. Isaac, 3.

sideration such documentary evidence as may be offered in support
of this case.

Respectfully,

Chairman.

R & R Dep.

Registered.

Muskogee, Indian Territory, August 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of August 6, 1903, remanded to this Commission the record theretofore forwarded to the Department in the matter of the application of Cornelia English, et al., for identification as Mississippi Choctaws, with instructions that the applicants therein be granted an opportunity to introduce further testimony in support of their claim.

In accordance with such instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, October 1, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of the application in this case.

Respectfully,

Chairman.

M C R 6102

Muskogee, Indian Territory, October 20, 1903.

Cornelia English,

Post Office Box #168,

Texarkana, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you ask to be furnished "two blank deposition forms."

In reply you are informed that the Commission has no blanks of this description.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 18, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Cornelia English, et al., together with its decision of February 2, 1903, refusing the application made by Cornelia English for the identification of herself and minor children as Mississippi Choctaws.

With departmental letter of August 6, 1903 (I T D 5368, 3368-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on August 31, 1903, notified the principal applicant and her attorney of record, S. W. Isaac, that she would be allowed up to and inclusive of October 1, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been made by or on behalf of the applicants, and no additional testimony having been offered by them,

-2-

the original record in said case, together with copies of notices furnished the principal applicant, her attorney, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Mem 33

D.C.No.6217.

C O P Y .

W.C.F.
PHE

I.T.D.1106-1904. DEPARTMENT OF THE INTERIOR,

LRS.

Washington, February 23, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

With your letter of October 29, 1903, you returned the record in the Mississippi Choctaw case of Cornelia English, involving the identification of herself and her three minor children, Esther, Jimmie and Ruby English, as Mississippi Choctaws.

The applicants trace their Choctaw descent from one Chilletah, given name not stated, and Sidney Chilletah, grandparents of the principal applicant.

Your decision rejecting the applicants in this case was rendered February 2, 1903. On August 6, 1903, the Department remanded the case to you for further investigation, inasmuch as the records of the Indian Office showed that one Chilletah received scrip under article 14 of the Choctaw treaty of 1830.

It appears that on August 31, 1903, you notified the principal applicant and her attorney that she would be allowed thirty days in which to introduce additional evidence in support of the application made by her for herself and minor children; that during said time no appearance was made by or on behalf of the applicants and no additional testimony offered by them.

Reporting February 5, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the Appli-

cants be approved. A copy of his letter is enclosed.

The Department considers that the applicants have been given due time in which to introduce additional testimony, and as the record fails to show that the ancestors through whom the applicants claim complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto, your decision rejecting them is hereby affirmed.

Respectfully,

Thos. Ryan,

Secretary.

1 enclosure.

C O P Y .

Refer in reply to the following:
Land 70989-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes, dated January 29 relative to the Mississippi Choctaw case of Cornelia English et al.

With Departmental letter of August 6, 1903, (I.T.D. 8368 3368-1903) the record in this case was remanded in order that the principal applicant might be granted opportunity to introduce additional evidence.

In accordance with the instructions of the Department, the Commission on August 31, 1903, notified the principal applicant and her attorney of record, S. W. Isaac, that she would be allowed up to and inclusive of October 1, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Chickasaw and Choctaw Nations.

No appearance having been made by or on behalf of the applicants and no additional testimony having been offered by them

up to and inclusive of October 29, the original record in the case, together with copies of the notices furnished the principal applicant, her attorney, and the attorneys for the Chickasaw and Choctaw Nations is transmitted by the Commission. The applicants in this case found their claims to a right to identification on their descent from Chilletah and his wife Sidney Chilletah through their son Tom, the parents being alleged to have been recognized citizens of the Choctaw Nation in Mississippi in 1830 and as such to have received land or scrip under the 14th article of the treaty of that year. There was a beneficiary under the 14th article of the Choctaw treaty named Chilletah, and his children were named,

Ish-to-mah-bahn-chubbee, a son
Te-ne-to-mah, a daughter,
Tille-mah, a daughter,
Min-tubbee, a son,

The first named son and daughter were over 10 years of age and the second daughter and son were under 10 years of age in 1830.

Cornelia English, who is the principal witness is not able to say affirmatively that her ancestor or ancestors complied with the provisions of the 14th article of the Choctaw treaty or received benefits thereunder, but claims, however, that her grandfather settled on and held land in Mississippi, Chilletah did not receive land under the 14th article, but instead received scrip.

This script was located at Augusta, Mississippi on September 25, 1850 by John J. Smith, assignee. Most of these Indian sold their script or were swindled out of it and very few of them actually used it for their own benefit.

A consideration of all the proof in the case, together with the records of this office leads me to conclude that the applicants have fallen far short of establishing their right to identification as Mississippi Choctaws through their claim of descent from Chilleteh, a 14th article beneficiary, and I am therefore of the opinion that the decision of the Commission rejecting them should now be approved and so recommend.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

EBH:LM.

M.C.R. 6102.

Muskogee, Indian Territory, March 9, 1904.

Cornelia English,
Post Office Box #168,
Texarkana, Arkansas,

Dear Madam:

You are hereby notified that on the 23rd day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Cornelia English et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

E. J. [Signature]

Commissioner in Charge.

M.C.R. 6102.

Muskogee, Indian Territory, March 9, 1904.

S. W. Isaacs,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 23rd day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Cornelia English et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 6102.

COPY.

Muskogee, Indian Territory, March 9, 1904.

Mansfield, McMurray & Carmish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 23rd day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Cornelia English et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

T. D. McCallister

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

JUL 24 1902

Date
Name *Cornelia English*
Age *29* Blood *1/2*
Post-Office, *Ixarkana, Tex.*
Father: *Tom Chilletah d*
Mother: *Nancy " L*
Claims through *father.*
husband. Jim English L
No claim for husband.

Children:
Esther English F 13
Jimmie " F 12
Ruby " M 8.

Seems 3 children

Ch. Miller

Mackay St.

Feb 9th 1902

Received of the Commission to Five Tribes
One copy of decision in inter 6102
Cornelia English et al

J. W. Isaac

Choctaw MCR 6103

Tom Rutherford

See MCR 6104

MCR 6103

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Tom Rutherford, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:-

Tom Rutherford, M.C.R. 6103
Pinkie M. Rutherford, M.C.R. 6104

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Original application of Tom Rutherford to the Dawes Commission for identification as a Miss- issippi Choctaw-----	1
Affidavit of T. H. Stallcup-----	9
Original application of Pinkie M. Rutherford to the Dawes Commission for identification as a Mississippi Choctaw-----	11
Decision of the Commission refusing the ap- plications in the consolidated case of Tom Rutherford, et al., for identification as Mississippi Choctaws-----	16

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., July 25, 1902.

6108

In the matter of the application for identification as
a Mississippi Choctaw of Tom Rutherford.

S. W. Isaac attorney for applicant.

Tom Rutherford, being first duly sworn, testifies as follows:

Examination by the Commission

- Q What is your name? A Tom Rutherford.
Q Any middle initial? A No, sir.
Q How old are you? A Between forty-two and three.
Q How much Choctaw blood do you claim? A Three-quarters.
Q What is your post office address? A Jefferson.
Q Jefferson what? A Texas.
Q How long have you lived in the state of Texas? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Gus Rutherford.
Q Mother living? A Yes, sir.
Q What is her name? A Ruth Rutherford.
Q Through which one of your parents do you get your Choctaw blood?
A Both of them.
Q How much Choctaw blood is your father's? A One-half.
Q How much Choctaw blood is your mother's? A My mother is a full
blood Choctaw.
Q Has your mother ever been before this Commission? A No, sir.
Q Where does she live? A She lived in Texas.
Q What place? A Marion County.
Q How long has she lived in Texas? A She has lived there about
four or five years.
Q Where did she live before that? A Mississippi.
Q What County? A Pamela County.
Q She born there? A Yes, sir.
Q How old is your mother? A My mother was born in 1834.
Q Does she speak the Choctaw language? A No, sir.
Q What was her father's name? A Johnson.
Q What was his given name? A George.
Q George Johnson? A Yes, sir.
Q Did he have a Choctaw name? A I don't know anything more than
George Johnson.
Q Has your mother a Choctaw name? A I don't know anything more
than Ruth.
Q What was your mother's mother's name? A Millie.
Q Millie Johnson? A Yes, sir.
Q What was her name before she married? A I don't know.
Q Did your mother have any brothers older than she? A I don't
think she had any brothers.
Q Did she have any sisters? A There was four children I think.
Q Were her sisters older than your mother? A I think they was.

- Q Were any of these sisters twins? A No, sir.
- Q Do you know when your mother's father and mother were married? A No, sir; I don't know when they were married?
- Q Do you know the year in which George Johnson was born? A No, sir.
- Q Or the year in which Willie was born? A No, sir.
- Q Through which one of his parents did your father get his Choctaw blood? A From his mother.
- Q What was her name? A I don't remember her name.
- Q Well how old would your father be if he were living now? A About seventy years old; he was born in thirty-two.
- Q What was his father? A French.
- Q Do you know the names of your father's mother's father or mother? A No, sir; I do not.
- Q Where was your father born? A In Panola.
- Q Panola County, Mississippi? A Yes, sir.
- Q When did he leave there? A They came from there just a little bit before the commencing of the Civil War.
- Q Were your father and mother lawfully married? A Yes, sir.
- Q Where? A Baingerfield.
- Q Where? A Texas?
- Q When? A They was married in about sixty I think.
- Q When did your father die? A In ninety-seven.
- Q Did they live together as husband and wife until his death? A Yes, sir.
- Q Neither of your parents were slaves were they? A No, sir.
- Q Did either of your parents ever live in Indian Territory? A No, sir.
- Q Were either of them ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory? A Not that I know of.
- Q Are you married? A Yes, sir.
- Q Is your wife living? A Yes, sir.
- Q What is her name? A Iger Rutherford.
- Q How do you spell that first name? A I-g-e-r.
- Q Has she any Choctaw blood? A No, sir.
- Q You make no claim for her? A No, sir.
- Q How many children have you? A None at all.
- Q This application is for yourself alone? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No, sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court for the Indian Territory, have you? A No, sir.
- Q Has any application of any description ever been made, before today, in your behalf for the purpose of establishing your rights as Choctaw Indian? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The Treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on September the 27th, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and Chickasaws and is commonly known as the Choctaw-Chickasaw country, in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave that old Nation and for the benefit of those who insisted on being permitted to remain there, what is known as the 14th article, was put into the treaty. That fourteenth article provided that upon certain conditions all Choctaws who preferred to remain back there in the old Choctaw Nation and not remove out West to the new country might receive lands from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q. You think you understand the fourteenth article clearly? A No, sir.

In case a Choctaw, who might have lived in the Choctaw Nation in Mississippi and Alabama, seventy two years ago, when this treaty was, decided that he wanted to stay there, become a citizen of the states, take land and not move out West to the new Nation he had a right to remain there in the old Choctaw Nation, become a citizen of the States and receive land from the government of the United States, upon certain conditions; first, he was required to, within six months from February 24, 1831, the date the treaty was ratified, let the agent of the government in Mississippi at that time, whose name was Colonel William Ward, know that he wanted to stay there, become a citizen of the States, and take land. He was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to one half that quantity for each unmarried child living with him over ten years of age, when that treaty was made, September 27th 1830; and for each child in his family under ten years of age, on September 27th, 1830, he was entitled to one-quarter section

or one-hundred and sixty acres of land. The reservations of these children were required by the terms of this fourteenth article to adjoin the location of the parents and the reservations so made to these Indians under this fourteenth article were required in each and every instance to include the improvement of the head of the family, as it existed on the 27th of September, 1830, or a portion of it. If these Indians lived on that land so reserved for them by the government under this fourteenth article for a period of five years from February 24, 1831 or until February 24, 1836, they were entitled to a grant in fee simple to this land, that is the government would give them a patent or deed to the land and it became their property and they could dispose of it at their will and pleasure. The concluding clause of the fourteenth article of the treaty of Dancing Rabbit Creek is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is, if an Indian took land back in the old Nation in Mississippi under the fourteenth article of the treaty of Dancing Rabbit Creek, he should not, by reason of his having taken it lose the privilege of a Choctaw citizen but if he ever moved out West to the New Nation he was not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaw Indians, from the government of the United States under treaty provisions.

- Q You think now that you understand the fourteenth article? A No, sir.
- Q What is there about it that you do not understand; I have explained it fully and I would like to know what part of it you do not understand so that I can possibly explain that more fully? A Well I understand it I guess.
- Q You think you understand it now? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A I don't know sir.
- Q What one of your ancestors was living in the old Choctaw Nation in Mississippi and Alabama, seventy-two years ago, when this treaty was made? A My mother's father, Johnson.
- Q George Johnson? A Yes, sir.
- Q He was the head of a family at that time was he not; that was four years before your mother was born? A I suppose that he was I don't know.
- Q His wife was living then too, Millie? A Yes, sir.
- Q Was your father's mother living there at that time? A My father was I suppose, I don't know about his father.
- Q Your father gets his Choctaw blood through his mother? A Yes, sir.
- Q Was she living there at that time? A I don't know.
- Q Can you remember her name? A No, sir; I can not.
- Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A Not that I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the government in Mississippi, for the Choctaws, know that they wanted to stay in Mississippi, take land there and become citizens of the States?

#5

- A I don't know.
- Q Did any of your ancestors remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A Not that I know of.
- Q Did any of them ever claim or receive any land in Mississippi or Alabama from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Do you know whether any of your Choctaw ancestors were in 1830 recognized members of the Choctaw tribe of Indians? A No, sir; I don't know.
- Q Did you ever hear of any of them ever having received any land from the government as Choctaw Indians? A No, sir; I don't think I ever heard that they did.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the State and take land. The name of this Agent was Colonel William Ward. The records of the government show that Colonel William Ward failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay there become citizens of the State and take land under this fourteenth article. On this account, the government, at its public land sales in Mississippi a few years later in many instances sold the land upon which Choctaws lived and owned improvements and which they supposed they would receive under article fourteen of the treaty. This caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners whose duty it should be to go down to the state of Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been taken and sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their right under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23, 1842, provided, that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article but that his land had been sold by the government, he should be entitled to select, in place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant government land and that he should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? A Not that I know of.

#7

- Q What is the County seat of that County? A Sardin.
Q How much Choctaw blood do you claim? A Three-quarters.
Q What is the other one-quarter? A French.
Q How much Indian blood did your father have? A One-half.
Q What was the other half? A French.
Q You say your mother's father was named George Johnson? A Yes, sir.
Q Have you any idea how old George Johnson was when she left Mississippi? A I don't know.
Q How old is your mother now? A About sixty-eight.
Q How old would your father be if he was living? A About seventy.
Q Where was he born? A In Panola County.
Q Were your mother and father married in Texas? A Yes, sir.
Q What is her, your mother's name? A Ruth Rutherford.
Q You say she is a full blood Indian? A Yes, sir.
Q She ever live anywhere else after she left the state of Mississippi; any other place than Texas? A No, sir.
Q Never came to the Indian Territory? A No, sir.
Q Never heard her say anything about her father coming to the Territory, Indian Territory? A No, sir; never heard her say.
Q It was your impression from her that her father's people remained in the state of Mississippi up to the time of their death? A Yes, sir.
Q What is your impression from her as to where she left her people when she came from Mississippi; where did she leave her parents when she came from Mississippi? A I presume she left them in Panola County.

Examination by the Commission.

- Q Have you any brothers living? A Yes, sir.
Q How many? A Four.
Q What are their names? A Gus, Enis.
Q Next one? A Curtis.
Q Next? A Chancey.
Q Have they been before the Commission? A No, sir.
Q Are they full brothers of you? A Yes, sir.
Q Have you any brothers dead? A I have one sir.
Q Did he have children? A No, sir; he was an infant when he died.
Q Have you any sisters living? A Yes, sir.
Q How many? A Five.
Q What are their names, if they are married give us their married names? A Americo Rambo.
Q Next? A Georgie Cole.
Q Next one? A E Emma Devaloux.
Q Next? A Pinkie Rutherford.
Q Not married? A No, sir.
Q Next one? A Lattie Rutherford.
Q Not married? A No, sir.
Q Have you any sisters dead? A Yes, I have one sister dead.
Q How old was she when she died? A Eight years old.
Q None of your relatives have ever been before the Commission that you know of? A No, sir.
Q Do you know how many brothers your father had? A No, sir; I do not.
Q Do you know how many sisters he had? A No, sir.
Q Did you ever know any of his brothers or sisters? A No, sir.
Q Now I believe you stated that your mother had three sisters did you not? A I think there were three or four children altogether.
Q You know their names? A No, sir.

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- Q Don't know the name of any one of them? A No, sir.
Q You don't speak or understand the Choctaw language do you? A
No, sir.
Q What blood is your wife? A French.
Q Nothing else? A Nothing else.

This applicant claims to be three-quarters Choctaw and one-quarter French, his hair is black, perfectly straight, has a very dark complexion, dark eyes. His personal appearance would indicate that he is possessed of a mixture of white and Indian blood, although he has no pronounced Indian features. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

C. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 25, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 25 day of August 1902.

C. Rosenwinkel
Guy L. V. Emerson
Notary Public.

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Cov.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Tom Rutherford, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Tom Rutherford,	M.C.R. 6103
Pinkie M. Rutherford,	M.C.R. 6104

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Tom Rutherford for himself; and by Pinkie Rutherford for herself,
under the following provision of the act of Congress approved June
28, 1898 (30 Stats., 496):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that both of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of George Johnson, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty; and Millie Johnson, who is alleged to have been a full blood Choctaw Indian, and Gus Rutherford, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said George Johnson, or Millie Johnson, or Gus Rutherford, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842,

(5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Rutherford and Pinkie M. Rutherford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Presented by

Tams Dixby.

Acting Chairman.

Presented by

T. B. Venable.

Commissioner.

Presented by

C. B. Brockinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 31 1902

M.C.R. 6103

COPY.

Muskogee, Indian Territory, December 31, 1902.

Tom Rutherford,

Jefferson, Texas.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Rutherford, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Rutherford

M.C.R. 6103

Pinkie M. Rutherford

M.C.R. 6104

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Rutherford and Pinkie M. Rutherford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Tom Rutherford, — 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

DESIGNED

Larns Dixby
Acting Chairman

Registered.

M.C.R. 6105

Muskogee, Indian Territory. December 31, 1902.

S. V. Isaac,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Rutherford et al., embracing the following applications for identification as Mississippi

Choctaws:

Tom Rutherford

M.C.R. 6105

Pinkie M. Rutherford

M.C.R. 6104

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Rutherford and Pinkie M. Rutherford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

S. W. Innes,--2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Lama Birby
Acting Chairman

Registered.

M.C.R. 6103.

COPY.

Muskogee, Indian Territory, December 31, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Rutherford, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Rutherford	M.C.R. 6103
Pinkie M. Rutherford	M.C.R. 6104

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 493).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Rutherford and Pinkie M. Rutherford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James L. Smith

Acting Chairman.

Muskogee, Indian Territory, January 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On January 16, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Tom Rutherford, et al., together with its decision of December 31, 1902, refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

With departmental letter of July 11, 1903 (I T D 4790-1903) the record in this case was remanded in order that the applicants might be granted an opportunity to introduce additional evidence in support of their claim.

In accordance therewith the Commission, on July 22, 1903, notified the applicants and their attorney, S. W. Isaac, that they would be allowed up to and inclusive of Saturday, August 22, 1903, to introduce additional evidence in support of their applications for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On August 20, 1903, T. D. Howell, attorney for Tom and Finkie M. Rutherford, made application for an extension of time

of sixty days in said case, and the extension was granted. October 18, 1903, T. D. Rowell asked that a further continuance be granted until January 1, 1904, and said request was complied with. Said attorney, on December 23, 1903, made application for another continuance in this case; this time asking that he be allowed until May 1, 1904, in which to submit additional evidence in support of the consolidated Mississippi Choctaw case of Tom Rutherford, et al.

The latter request was refused by the Commission for the reason that said applicants have not at any time since making their application claimed descent from any other ancestor than those mentioned at that time; that the attorney for applicants has not stated the names of the witnesses whose testimony he desires to introduce, or that their testimony would tend to show compliance on the part of the applicants' ancestors with the provisions of the 14th article of the Choctaw treaty of 1830; that due diligence in procuring additional evidence has not been shown; and that the five months and more heretofore allowed the applicants in this case is a sufficient and reasonable time within which to offer further proof in support of their application for identification as Mississippi Choctaws.

The original record in the case, notices furnished the applicants, their attorney, and the attorneys for the Choctaw and Chickasaw Nations, and copies of correspondence had between this

-3-

office and T. D. Howell, attorney, relative to the consolidated Mississippi Choctaw case of Tom Rutherford, et al. are herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McK 66

COPY.

Muskogee, Indian Territory, January 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Tom Rutherford, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 31, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Tom Rutherford,
Pinkie M. Rutherford,

M.C.R. 6103
M.C.R. 6104

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

I. D. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 6103

Muskogee, Indian Territory, January 21, 1903.

J. L. Ford,
Attorney-at-Law,
Jefferson, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., relative to the decision of the Commission refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Tom Rutherford, et al.; you state that the letters of the Commission notifying the applicant were not received until the 10th inst., and, that as the time for filing arguments in the case expired on the 15th inst., the time is not sufficient within which to file arguments. You ask for an extension of time of twenty days within which to prepare your argument.

In reply you are informed that the fifteen days from December 31, 1902, heretofore granted the applicants in this case for the purpose of filing arguments, expired on January 15, 1903, and on January 16, 1903, the record in this case was forwarded to the Secretary of the Interior. The applicants will be duly notified of such action as may be taken by him. Pending action thereon by the Secretary of the Interior the Commission cannot

J. L. Ford---2

Receive or consider further evidence.

Respectfully,

Commissioner in Charge.

Land
4583-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON, May 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the application of the following parties for identification as Mississippi Choctaws, wherein a decision adverse to their claims was made by the Commission on December 31, 1902: Tom Rutherford for himself and Pinkie Rutherford for herself.

It appears from the testimony in this case that the applicants base their claim to a right to identification as Mississippi Choctaws on their descent from one George Johnson, through his daughter Ruth, who married one Gus Rutherford, Ruth Rutherford still being alive and a resident of Jefferson, Texas. It is alleged that George Johnson, the ancestor, was a resident of the Choctaw Nation of Mississippi in 1830, and as such complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty. It is also alleged that Ruth Rutherford nee Johnson was born in Panola County, Mississippi.

The Commission rejected the applicants for the reason that it does not appear from the records in the possession of the Commission relating to persons who complied or attempted to comply

with the provisions of article 14 of the Choctaw treaty of 1830, that the said George Johnson or Millie Johnson or Gus Rutherford complied or attempted to comply with the provisions of the 14th article.

An examination of the records of this office show that there was a George Johnson, a member of the Choctaw tribe of Indians in Mississippi in 1830, who complied with the provisions of the 14th article and received a patent for the following land in behalf of himself and his eight children, four being over and four under ten years of age, all of Sections 8 and 9, the E/2 of 7 and S/2 of 8, all in T. 10 N. R. 8 W. and lots 1 to 10 Section 16; lots 1 to 11 Section 17; T. 10 N. R. 8, W., of the St. Stevens Meridian, situated in Wayne County, Mississippi. The office has no information as to the names of the members of the family of George Johnson except the name of his son, Silas D. Johnson, who was specially mentioned in the patent. The evidence in this case shows that Ruth, the daughter of George Johnson, through whom they claim, was born in Panola County, Mississippi, a long distance away from Wayne County, but since there is no information in this office with reference to the subsequent movements of George Johnson and his name being identical with the name of the ancestor through whom the applicants claim, I believe the case should be returned to the Commission for further investigation and so recommend.

Very respectfully,
(Signed)

A. C. TONNER,

Acting Commissioner.

MBH-R.

D.C. 19107

(Copy)

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DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD. 4790--1903.

July 11, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 16, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Tom Rutherford, and of Pinkie Rutherford, including your decision of December 31, 1902, refusing the applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of George Johnson and Millie Johnson, through their daughter, Ruth Rutherford, who is still living, and who married Gus Rutherford, Gus Rutherford and Ruth Rutherford being the parents of the applicants. It is alleged that George Johnson and Millie Johnson were full blood Choctaw Indians; that George Johnson resided in Mississippi in 1830, and that Gus Rutherford was a half blood Choctaw Indian.

You rejected the applicants for the reason that it does not appear from the records in your possession that the said George Johnson or Millie Johnson or Gus Rutherford complied or attempted to comply with the provisions of article 14 of the Choctaw treaty.

Reporting May 26, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian office show that there was a George Johnson, a member of the Choctaw tribe of Indians in Mississippi in 1830, who complied with the provisions of the fourteenth article and received a patent for the following land in behalf

of himself and his eight children, four being over, and four under ten years of age:

"...all of Sections 8 and 9, the E/2 of 7 and S/2 of 5, all in T. 10 N., R. 8 W. and lots 1 to 10 Section 16; lots 1 to 11 Section 17; T. 10 N. R. 8, W., of the St. Stevens Meridian, situated in Wayne County, Mississippi."

He further states that the office has no information as to the names of the members of the family of George Johnson, except the name of his son, Gilas D. Johnson, who is especially mentioned in the patent. He therefore recommends that the case be remanded.

The Department concurs in said recommendation, and the record is hereby returned to you for further investigation, and in so doing you are requested to follow, so far as applicable, the instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

Respectfully,

THOS. RYA .

2 inclosures.

Acting Secretary.

Muskogee, Indian Territory, July 22, 1903.

Tom Rutherford,
Jefferson, Tenn.

Dear Sir:

The Secretary of the Interior with his letter of July 11, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Tom Rutherford, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of George Johnson and Millie Johnson, through their daughter, Ruth Rutherford, who is still living, and who married Gus Rutherford, Gus Rutherford and Ruth Rutherford being the parents of the applicants. It is alleged that George Johnson and Millie Johnson were full blood Choctaw Indians; that George Johnson resided in Mississippi in 1830, and that Gus Rutherford was a half blood Choctaw Indian.

Reporting May 26, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that there was a George Johnson, a member of the Choctaw tribe of Indians in Mississippi in 1830, who complied with the provisions of the fourteenth article and received a patent for the following land in behalf of himself and his eight children, four being over, and four under, ten years of age:

.....all of Sections 8 and 9, the E/2 of 7 and S/2 of 5, all in T. 10 N., R. 8 W. and lots 1 to 10 Section 16; lots 1 to 11 Section 17; T. 10 N. R. 8, W., of the St. Stevens Meridian, situated in Wayne County, Mississippi."

He further states that the office has no information as

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to the names of the members of the family of George Johnson, except the name of his son, Silas D. Johnson, who is especially mentioned in the patent.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of

T R 1

old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep
Registered

Muskogee, Indian Territory, July 22, 1903.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of July 11, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Tom Rutherford, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of George Johnson and Millie Johnson, through their daughter, Ruth Rutherford, who is still living, and who married Gus Rutherford, Gus Rutherford and Ruth Rutherford being the parents of the applicants. It is alleged that George Johnson and Millie Johnson were full blood Choctaw Indians; that George Johnson resided in Mississippi in 1830, and that Gus Rutherford was a half blood Choctaw Indian.

Reporting May 26, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that there was a George Johnson, a member of the Choctaw tribe of Indians in Mississippi in 1830, who complied with the provisions of the fourteenth article and received a patent for the following land in behalf of himself and his eight children, four being over, and four under, ten years of age:

'....all of Sections 8 and 9, the E/2 of 7 and S/2 of 8, all in T. 10 N., R. 8 W. and lots 1 to 10 Section 16; lots 1 to 11

S W I 2

Section 17; T. 10 N. R. 8, W., of the St. Stevens Meridian, situated in Wayne County, Mississippi.'

He further states that the office has no information as to the names of the members of the family of George Johnson except the name of his son, Silas D. Johnson, who is especially mentioned in the patent."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates, and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

S W I S

such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep
Registered

Muskogee, Indian Territory, July 22, 1903.

Mansfield, Malturray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of July 11, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Tom Rutherford, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

M.C.R. 6103

Muskogee, Indian Territory, August 26, 1903.

T. D. Rowell,

Jefferson, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 20, asking for an extension of time for sixty days, within which to procure additional evidence in support of the applications for identification as Mississippi Choctaws of Tom Rutherford, et al. and in compliance with your request the time for the hearing of testimony in said case has been extended until October 22, 1903.

Respectfully,

Chairman

M. C. R. 6103

Muskogee, Indian Territory, August 26, 1903.

Mansfield, Moggurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that in compliance with the request of the attorneys for the applicants in the consolidated Mississippi Choctaw case of Tom Rutherford, et al., which was remanded by the Department for the introduction of additional evidence in support of the claim of the applicants, the time for the hearing of such additional testimony has been extended until October 22, 1903.

Respectfully,

Chairman.

M C R 6103

Muskogee, Indian Territory, October 24, 1903.

T. D. Howell,
Attorney at Law,
Jefferson, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, wherein you ask that the Mississippi Choctaw case of Tom Rutherford, et al. be continued to January 1, 1904.

You are informed that in compliance with your request you will be allowed until January 1, 1904, to introduce additional evidence in support of said case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 4, 1904.

T. D. Rowell,
Attorney at Law,
Jefferson, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 23, 1903, in which you again ask for an extension of time in the consolidated Mississippi Choctaw case of Tom Rutherford, et al.

In reply you are informed that it appears from our records that applications for identification as Mississippi Choctaws were made to this Commission by Tom Rutherford for himself; and by Pinkie Rutherford for herself, under the provisions of the Act of Congress of June 28, 1898 (30 Stat., 495).

It also appears that both of said applicants claim rights in the Choctaw lands under article 14 of the Choctaw treaty of 1830 by reason of being descendants of George Johnson, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in 1830; and Millie Johnson, who is alleged to have been a full blood Choctaw Indian, and Gus Rutherford, who is alleged to have been an one-half blood Choctaw Indian.

On January 16, 1903, the record in said consolidated case, together with the decision of the Commission refusing the

T D R 2

applicants, was forwarded the Secretary of the Interior.

On July 11, 1903, the record in said case was remanded to this Commission with instructions that the applicants be allowed a reasonable time within which to submit additional evidence in support of their claim, and in accordance therewith the Commission, on July 22, 1903, notified the applicants and their attorney, S. W. Isaac, that they would be allowed up to and inclusive of Saturday, August 22, 1903, within which to submit additional proof in support of said applications.

On August 26, 1903, in compliance with your request of August 20, 1903, an extension of time was granted in this case until October 22, 1903. On October 18, 1903, you asked that a further continuance be given until January 1, 1904, and the same was granted. Again, and on December 23, 1903, you ask for another ~~extension~~ of time. In this request you state that you desire to have until May 1, 1904, to submit further proof in support of the consolidated Mississippi Choctaw case of Tom Rutherford, et al.

The Commission hereby refuses your request of December 23, 1903, for the reason that said applicants have not at any time since making their application claimed descent from any other ancestor than those mentioned above; that you have not stated the names of the witnesses whose testimony you desire to introduce or that their testimony would tend to show compliance on the part of

T D R 3

the applicants ancestors with the provisions of the 14th article of the Choctaw treaty of 1830; and that the five months and more heretofore allowed the applicants in this case is a sufficient and reasonable time within which to offer additional evidence in support of their applications for identification as Mississippi Choctaws.

Respectfully,

Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Land.

WASHINGTON

July 14, 1904.

1841-1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit for your consideration letter of the Commission to the Five Civilized Tribes, of January 4, 1903 (1904), referring to the fact that with Departmental letter of July 11, 1903, (I.T.D. 4790-1903), the record in the consolidated Mississippi Choctaw case of Tom Rutherford, et al., was remanded in order that the applicants might be granted an opportunity to introduce additional evidence in support of their claim.

In accordance therewith the Commission on July 22, 1903, notified the applicants and their attorney, S. W. Isaac, that they would be allowed up and including of Saturday, August 22, 1903, to introduce additional evidence in support of their applications for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On August 20, 1903, T. D. Rowell, attorney for Tom and Pinkie M. Rutherford, made application for an extension of time of sixty days in the case, and the extension was granted. October 18, 1903, T. D. Rowell, asked that a further continuance be granted until January 1, 1904, which request was complied with. Said attorney on December 23, 1903, made application that another continuance be made in this case, this time asking that he be allowed until May 1, 1904, in which to submit additional evidence in support of his case.

The latter request was refused by the Commission for the reason that the applicants have not at any time since making their application claimed descent from any other ancestor than those mentioned at that time; that the attorney for the applicants has not stated the names of the witnesses whose testimony he desires to introduce, or that their testimony would tend to show compliance on the part of the ancestors of the applicants with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830; that due diligence in procuring additional evidence has not been shown; and that the five months now previously allowed the applicants in this case, was a sufficient and reasonable time within which to forward further proof.

The original record in this case, notices furnished the applicants, their attorney and the attorneys for the Choctaw and Chickasaw Nations, and copies of correspondence had between the

Commission's office and T. D. Rowell, attorney, relative to this case are transmitted by the Commission.

The proof in this case shows that the applicants found their claims to a right to identification as Mississippi Choctaws on their descent from George Johnson and Millie Johnson and Gus Rutherford, but it was not sufficiently full and complete to justify the conclusion that the ancestor, George Johnson, from whom they claim descent, was identical with the George Johnson who was a beneficiary under the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, and because of this deficiency as to proof the case was remanded in order that further evidence might be procured in case it were available. The parties were given over five months in which to submit such proof, and aside from asking for further continuances, no tender of proof was made nor any showing as to the witnesses who would testify, nor as to the line of testimony to be procured from these witnesses which would tend to connect the George Johnson, from whom the applicants claim descent, with the George Johnson who received land under the Fourteenth Article. Having failed after the lapse of so much time to even furnish the names of the witnesses, or make a statement as to what they would testify to in case they were called, it is my belief that the action of the Commission in refusing to further wait upon them was correct, and I therefore recommend

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that the original decision of the Commission rejecting the
applicants be approved.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H.-L.C.

(COPY)

DEPARTMENT OF THE INTERIOR
WASHINGTON

W.C.F.

JHR

D.C. 25618-1904.

July 21, 1904.

I.T.D. 5740-1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

On January 16, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of Tom Rutherford, et al., (M.C.R. 6103), including your decision of December 31, 1903, rejecting the applicants.

July 11, 1903, the Department remanded the case to you with instructions to allow the applicants an opportunity to introduce additional evidence in support of their claims. With your letter of July 4, 1904, you returned the record to the Department, and stated that on July 22, 1903, you notified the applicants and their attorney, also the attorneys for the Choctaw and Chickasaw Nations, that the applicants would be allowed thirty days within which to introduce additional evidence; that on request by the attorney for the applicants, said time was extended to October 18, 1903, and upon a second request by said attorney, further continuance was granted until January 1, 1904; that on December 23, 1903, said attorney made application for further continuance in said

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case, until May 1, 1904, which application was refused.

Reporting July 14, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 6103.

COPY!

Muskogee, Indian Territory, August 1, 1904.

Tom Rutherford,

Jefferson, Texas.

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Rutherford et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

M.C.R. 6103

COPY.

Muskogee, Indian Territory, August 1, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Rutherford et al., of which decision you were advised by mail on the 31st day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 6103.

COPY:

Muskogee, Indian Territory, August 1, 1904.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 31st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Rutherford et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

M.C.R. 6103

COPY.

Muskogee, Indian Territory, August 1, 1904.

W. A. Gibson,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered December 31, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Rutherford et al.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 6103

COPY!

Muskogee, Indian Territory, August 1, 1904.

J. L. Ford,

Attorney at Law,

Jefferson, Texas,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered December 31, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Rutherford et al.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 8103

COPY

Muskogee, Indian Territory, August 1, 1904.

T. D. Rowell,
Attorney at Law,
Jefferson, Texas,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered December 31, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Rutherford et al.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

M C R 6103

Muskogee, Indian Territory, July 3, 1906.

R. H. May,

Jefferson, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28, 1906, enclosing affidavits in support of the Mississippi Choctaw case of Tom Rutherford; also of your letter dated June 15th, making inquiry as to whether or not said affidavits had been received at this office.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Tom Rutherford, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of December 31, 1902, adverse to the applicants, was, on January 16, 1903, forwarded the Department.

July 11, 1903 (I T D 4790-1903), the case was remanded for further investigation. Applicants were given an opportunity to present additional evidence, but no appearance was made by them or their witnesses and the record was returned to the Department on January 4, 1904.

July 21, 1904 (I T D 5740-1904), the Department affirmed the decision of said Commission rendered December 31, 1902.

May 29, 1906, this office received from R. H. May, Jefferson, Texas, the joint affidavit of Amanda Wardlow and R. P. White, which Mr. May stated was offered in support of the Mississippi Choctaw case of Tom Rutherford, et al. The affidavit and a list of names attached thereto is herewith transmitted.

Respectfully,

Through the Commissioner
of Indian Affairs.
MCM 27/1

Commissioner.

NCR-6103

Muskogee, Indian Territory, October 15, 1906.

R. H. May,

Killdare, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 24, 1906, addressed to the Secretary of the Interior and by him referred to this office for consideration and appropriate action. Therein you request to be advised if any action has been taken on the affidavits recently filed in support of the Mississippi Choctaw case of Tom Rutherford et al.

In reply to your letter you are advised that the affidavits of Amanda Wardlow and R. P. White, which were filed in this office May 29, 1906, in support of the Mississippi Choctaw case of Tom Rutherford et al., were transmitted to the Secretary of the Interior July 27, 1906. When action is taken upon said affidavits by the Department Mr. Rutherford will be duly notified thereof.

Respectfully,

Commissioner.

MCR 6103.

Muskogee, Indian Territory, July 12, 1906.

R. H. May,

Jefferson, Texas.

Dear Sir:

Replying to your letter of the 8th instant, you are advised that the affidavits forwarded this office by you in support of the Mississippi Choctaw case of Tom Rutherford, et al., will as soon as practicable be transmitted to the Secretary of the Interior for his consideration.

You are further advised that it will not be necessary for the applicants in this case to appear before this office at the present time.

Respectfully,

Commissioner.

M C R 6103

Muskogee, Indian Territory, September 6, 1906.

L. S. Schluter,
Attorney at Law,
Jefferson, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 27, 1906, requesting to be advised the present status of the Mississippi Choctaw case of Tom Rutherford, et al. You ask if all the necessary proof has been received and if the affidavit of Mr. Wordlow of Gasen, Texas, reached this office.

In reply to your letter you are advised that on July 21, 1904, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes of December 31, 1902, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Tom Rutherford, et al.

May 29, 1906, this office received from R. H. May, of Jefferson, Texas, the joint affidavit of Amanda Wardlow and R. P. White, which affidavit was on July 27, 1906, transmitted to the Secretary of the Interior. When action is taken in this matter by the Department, due notice thereof will be furnished Mr. Rutherford.

Respectfully,

Acting Commissioner.

MCR-6103

Muskogee, Indian Territory, October 22, 1906.

R. H. May,
Atlanta, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, requesting to be advised the status of the Mississippi Choctaw case of Tom Rutherford et al.

On the 18th instant this office furnished you all the information that it could give you relative to this case, said communication being in reply to your letter of September 24, 1906, addressed to the Secretary of the Interior and by him referred to this office for reply.

Respectfully,

Commissioner.

J. P.

DEPARTMENT OF THE INTERIOR, THE

WASHINGTON. January 16, 1907.

I.T.D.20568-1906.

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Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of July 27, 1906, transmitting an affidavit in the consolidated Mississippi Chectaw case of Tom Rutherford, et al.

It does not satisfactorily appear for what purpose this affidavit was submitted, but if it was intended as a motion for review of the decision of the Department of July 21, 1904, adverse to the applicants, it does not answer in any particular the purpose for which it was intended, and you will so advise the party filing it, and call attention to section 1 of the act of April 26, 1906 (34 Stat., 137).

The papers in the matter have been returned to the Indian Office for its files. A copy of Indian Office letter of October 11, 1906 (Land 64846-06), submitting your report, is inclosed.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

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64846-1906.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir;---

Referring to Departmental letter of July 21, 1904,
(I.T.D. 5740-1904), I have the honor to transmit herewith the
joint affidavit of Amana Wardlow and R. P. White, which is
offered in support of the Mississippi Choctaw case of Tom Ruther-
ford, et al. There is also transmitted a list of the names of
their witnesses, and the record in the case.

Very respectfully,

C. P. Larrabee,

Acting Commissioner.

14504-1000

M. G. R.
6103.

Muskogee, Indian Territory, January 24, 1907.

Tom Rutherford,
Jefferson, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 16, 1907, advised this office that if the joint affidavit of Amanda Wardlow and R. P. White, heretofore filed in the consolidated Mississippi Choctaw case of Tom Rutherford et al., was intended as a motion for review of Departmental decision of July 21, 1904, adverse to the applicants, it does not in any particular answer the purpose for which it was intended, and directed that your attention be invited to Section 1 of the Act of Congress approved April 26, 1906 (34 Stats. 137), which is as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the record in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

Respectfully,

Commissioner.

W. C. R.
6103.

Waskogee, Indian Territory, January 24, 1907.

L. S. Schluter,
Attorney at Law,
Jefferson, Texas.

Dear Sir:

There is enclosed herewith copy of Departmental letter of January 16, 1907, advising this office that if the joint affidavit of Amanda Wardlow and R. P. White, which had heretofore been filed with the Department, was intended as a motion for review of Departmental decision of July 21, 1904, adverse to the applicants in the consolidated Mississippi Choctaw case of Tom Rutherford et al., it does not answer in any particular the purpose for which it was intended.

Your attention is invited to Section 1 of the Act of Congress approved April 26, 1906 (34 Stats. 137), as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such

L. S. B.

(2)

motion shall be made within sixty days after the passage
of this Act".

Respectfully,

Commissioner.

W-24/2.

M. C. R.
6103.

Muskogee, Indian Territory, January 24, 1907.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:

There is enclosed herewith copy of Departmental letter of January 16, 1907, advising this office that if the joint affidavit of Amanda Wardlow and R. P. White, which had heretofore been filed with the Department, was intended as a motion for review of Departmental decision of July 21, 1904, adverse to the applicants in the consolidated Mississippi Choctaw case of Tom Rutherford et al., it does not answer in any particular the purpose for which it was intended.

Respectfully,

Commissioner.

W-24/3.

W. C. R.
6103.

Muskogee, Indian Territory, January 24, 1907.

R. H. May,
Atlanta, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, by reference from the Secretary of the Interior. Therein you request to be advised relative to the present status of the Mississippi Choctaw case of Tom Rutherford et al.

In reply to your letter you are advised that on January 16, 1907, the Secretary of the Interior advised this office that if the joint affidavit of Amanda Wardlow and R. P. White, which had heretofore been filed with the Department, was intended as a motion for review of Departmental decision of July 21, 1904, adverse to the applicants in the consolidated Mississippi Choctaw case of Tom Rutherford et al., it does not answer in any particular the purpose for which it was intended.

Your attention is invited to Section 1 of the Act of Congress approved April 26, 1906 (34 Stats. 137), as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive

R. H. M.

(2)

evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

A copy of Departmental letter of January 16, 1907,
is herewith enclosed.

Respectfully,

Commissioner.

W-24/1.

Consolidated Case
of
\$ Tom Rutherford

6103

George Johnson (fb)

Millie Johnson

† Sus Rutherford 70- $\frac{1}{2}$
(dead)

wife

Ruth Rutherford (fb)

mar
6103

Tom Rutherford 42- $\frac{3}{4}$

wife

Iger Rutherford

mar
6104

Pinkie W. Rutherford 26- $\frac{3}{4}$

Sus Rutherford

Enis Rutherford

Curtis Rutherford

Chancey Rutherford

Mattie Rutherford

Americo Rutherford

mar

Rambo

Georgie Rutherford

mar

Cole

Emma Rutherford

mar

Delcourt.

† Father of Sus Rutherford, name
unknown, was alleged full blood.

For Identification as a Mississippi Choctaw.

Date

JUL 25 1902

Name Tom Rutherford

Age 42

Blood

$\frac{3}{4}$

Post-Office,

Jefferson, Texas

Father:

Luc Rutherford ^{2d}

Mother:

Ruth Rutherford ^(Jus) ^L

Claims through

both parents

wife Iger Rutherford ^L

No claim for wife.

Children:

Only one

Stenographer

G. Rosenwinkel

Muskogee I. I.
Sept 23. 1902

Records of the Commission to Five Tribes

One copy of the testimony of the Principal
applicant in no case 6103

N. A. Gibson,

Atty for Applicant

Choctaw MCR 6104

Pinkie M. Rutherford

See MCR 6103

MCR 6104

6104

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 25, 1902.

In the matter of the application for identification as a
Mississippi Choctaw of Pinkie M. Rutherford.

S. W. Isaac attorney appearing for applicant.

Pinkie M. Rutherford being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Pinkie M. Rutherford.
Q How do you spell that? A P-i-n-k-i-e.
Q How old are you? A Twenty-six years old.
Q How much Choctaw blood have you? A Three-quarters.
Q What is your post office address? A Jefferson, Texas.
Q How long have you lived in the State of Texas? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Gus Rutherford.
Q Is your mother living? A Yes, sir.
Q What is her name? A Ruth Rutherford.
Q How much Choctaw blood is your father? A One-half.
Q How much Choctaw blood in your mother? A Full blood Choctaw.
Q Does your mother speak the Choctaw language? A No, sir.
Q Did your father? A No, sir.
Q Where does your mother live? A At Jefferson
Q How old is she? A She was born in '34, about sixty-eight
years old.
Q Where was she born? A In Sardin, Panola County.
Q How long has she lived in Panola County, Mississippi? A I don't
know.
Q When did she come to Texas? A Shortly before the commencing
of the Civil War.
Q Did she live in Panola County all of her life up to that time?
A Yes, sir.
Q You know the names of her parents? A Yes, sir.
Q What are their names? A Her father was George Johnson and her
mother Millie Johnson.
Q Were they both full blood Choctaw Indians? A Yes, sir.
Q Did you ever see either of them? A No, sir; I never did.
Q How do you know they were full blood then? A I have always
been told that by my mother.
Q Did either of them have Indian names? A I don't know sir.
Q Has your mother a Choctaw name? A I don't know.
Q You know the names of the parents of the parents of George
Johnson and Millie Johnson? A No, sir.
Q Through which parent did your father get his Choctaw blood? A
Through his mother.
Q What was her name? A I don't know sir.
Q She was a full blood Choctaw Indian, was she? A My father's
mother?
Q Yes? A Yes, sir.
Q You know the names of her parents? A No, sir.
Q Where were George and Millie Johnson born? A In Mississippi.

- Q Sure of that? A Yes, sir.
- Q Lived there all of their lives? A According to what my mother said they did.
- Q You married? A No, sir.
- Q Ever been married? A No, sir.
- Q This application then is for yourself alone? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Were your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory? A A No, sir; not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
- Q Any one else ever make such application in your behalf? A No, sir.
- Q Did you or did any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, have you? A No, sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw Indian? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th of September 1830 between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of Alabama. The object of the treaty was to secure the removal of these Indians from the Country then occupied by them, in the states of Mississippi and Alabama, to a new country West of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw Country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old Choctaw Nation and for the benefit of those who insisted on being permitted to remain there, what is known as article fourteen was put into the treaty. That fourteenth article provided that upon certain conditions all Choctaws who preferred to remain back in the old Choctaw Nations and not move out West to the new country might receive land back there from the government. It is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they re-

side on said land not ending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that fourteenth article do you think? A Yes; I understand it.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A Not that I know of.
- Q Did any of them ever live in the old Choctaw Nation in Mississippi or Alabama when this treaty was made? A I don't know, I am not certain.
- Q That was seventy-two years ago, you think any of your people lived there at that time? A It might have been that my mother's father lived there at that time.
- Q George Johnson? A George Johnson.
- Q Do you know whether any of your ancestors owned an improvement there at that time? A I don't know.
- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified went to the Agent of the government in Mississippi for the Choctaws and let him know that they wanted to stay there, become a citizen of the States and take land? A Not that I know of.
- Q Do you know whether any of your Choctaw ancestors removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them ever claim or receive any land in Mississippi or elsewhere from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi, in many instances, sold the land upon which Choctaw lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down into Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

4

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select land elsewhere in place of the land so taken by the government in Mississippi, Alabama, Louisiana or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any scrip from the government under this act of Congress? A I don't know sir whether they did or not.

Q So far as you know then none of your ancestors ever received any benefits as Choctaw Indians? A No, sir.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir; I don't know; perhaps my mother knows.

Q You know of any written evidence of any description that would prove or tend to prove such a state of facts? A No, sir.

Q Have you any written evidence of any description that you desire to offer at this time in support of your application? A No, sir.

Q Have you any witnesses here today to testify in your behalf? A I have not.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskegee within a period of fifteen days from to day or if you find any written evidence that you wish to present in support of your application such proper written evidence will be received within fifteen days for the consideration of the Commission.

Q Are there any other statements you desire to make in support of your application? A No, sir.

Q What relation are you to Tom Rutherford? A He is my brother.

Q Full brother? A Yes, sir.

Q Has any one of your relatives except Tom Rutherford ever appeared before the Commission? A No, sir.

Reference is here made to M. C.R. 6103, Tom Rutherford, the applicant in said case being a full brother to this applicant.

Q You don't speak or understand the Choctaw language? A No, sir.

This applicant has the appearance of being possessed of a mixture of Indian and either white or Negro blood. She claims to be a full sister of Tom Rutherford who appeared before the Commission this morning and shows strong indications of being possessed of Indian blood. This applicant shows no particular

indications of being descended of Indian blood although her hair is black and rather straight; she has dark complexion and dark eyes. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of Hunting Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 30 day of August 1902.

Guy L. V. Emerson
Notary Public.

M.C.R. 6104

COPY.

Muskogee, Indian Territory, December 31, 1903.

Pinkie M. Rutherford,
Jefferson, Texas.

Dear Sir:

You are hereby advised that on the 31st day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Rutherford, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Rutherford	M.C.R. 6103
Pinkie M. Rutherford	M.C.R. 6104

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 485), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tom Rutherford and Pinkie M. Rutherford as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Pinkie M. Rutherford, — 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamm Dixie.
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 21, 1903.

T. D. Rowell,
Attorney-at-Law,
Jefferson, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., in which you state that you are attorney for Pinkie Rutherford and ask that the time granted her within which to file arguments in support of her claim as a Mississippi Choctaw be extended until February 1st.

In reply to your letter you are informed that the fifteen days from December 31, 1902, heretofore granted the applicant in this case within which to file arguments in support of her claim to be forwarded to the Secretary of the Interior expired on January 15, 1903; on January 16, 1903, the record in this case was forwarded to the Secretary of the Interior. The applicant will be duly notified of such action as may be taken by him. Pending action in this case by the Secretary of the Interior, the Commission cannot receive or consider further evidence therein.

respectfully,

Muskogee, Indian Territory, July 22, 1903.

Pinkie M. Rutherford,
Jefferson, Texas.

Dear Sir:

The Secretary of the Interior with his letter of July 11, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Tom Rutherford, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of George Johnson and Millie Johnson, through their daughter, Ruth Rutherford, who is still living, and who married Gus Rutherford, Gus Rutherford and Ruth Rutherford being the parents of the applicants. It is alleged that George Johnson and Millie Johnson were full blood Choctaw Indians; that George Johnson resided in Mississippi in 1830, and that Gus Rutherford was a half blood Choctaw Indian.

Reporting May 26, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian Office show that there was a George Johnson, a member of the Choctaw tribe of Indians in Mississippi in 1830, who complied with the provisions of the fourteenth article and received a patent for the following land in behalf of himself and his eight children, four being over, and four under, ten years of age:

'....all of Sections 8 and 9, the E/2 of 7 and S/2 of 5, all in T.10 N., R. 8 W. and lots 1 to 10 Section 16; lots 1 to 11

P M R 2

Section 17; T. 10 N. R. 8 W., of the St. Stevens Meridian, situated in Wayne County, Mississippi."

He further states that the office has no information as to the names of the members of the family of George Johnson, except the name of his son, Silas D. Johnson, who is especially mentioned in the patent."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that

P X 2 3

such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep
Registered

M.C.R. 6104

COPY!

Muskogee, Indian Territory, August 1, 1904.

Pinkie M. Rutherford,
Jefferson, Texas,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Rutherford et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

J. P.

DEPARTMENT OF THE INTERIOR, THE

WASHINGTON. January 16, 1907.

I.T.D.20568-1906.

L R B

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of July 27, 1906, transmitting an affidavit in the consolidated Mississippi Choctaw case of Tom Rutherford, et al.

It does not satisfactorily appear for what purpose this affidavit was submitted, but if it was intended as a motion for review of the decision of the Department of July 21, 1904, adverse to the applicants, it does not answer in any particular the purpose for which it was intended, and you will so advise the party filing it, and call attention to section 1 of the act of April 26, 1906 (34 Stat., 137).

The papers in the matter have been returned to the Indian Office for its files. A copy of Indian Office letter of October 11, 1906 (Land 64846-06), submitting your report, is inclosed.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 7 for Ind. Of.

80PY)

Land.

49886-1904.

64846-1906.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir;---

Referring to Departmental letter of July 21, 1904, (I.T.D. 5740-1904), I have the honor to transmit herewith the joint affidavit of Amana Wardlow and R. P. White, which is offered in support of the Mississippi Choctaw case of Tom Rutherford, et al. There is also transmitted a list of the names of their witnesses, and the record in the case.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBM-KM

M. C. R.

6104.

Muskogee, Indian Territory, January 24, 1907.

Pinkie Rutherford,

Jefferson, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior on January 16, 1907, advised this office that if the joint affidavit of Amanda Wardlow and R. P. White, heretofore filed in the consolidated Mississippi Choctaw case of Tom Rutherford et al., was intended as a motion for review of Departmental decision of July 21, 1904, adverse to the applicants, it does not in any particular answer the purpose for which it was intended, and directed that your attention be invited to Section 1 of the Act of Congress approved April 26, 1906 (34 Stats. 137), which is as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act".

Respectfully,

Commissioner.

No. 6104

For Identification as a Mississippi Choctaw.

Date

JUL 25 1902

Name *Pinkie M. Rutherford*

Age *26* Blood *$\frac{3}{4}$*

Post-Office, *Jefferson, Texas*

Father: *Gus Rutherford $\frac{1}{2}$ d*

Mother: *Ruth* " (full) *L*

Claims through *both parents.*

Self only.

Children:

Stenographer

4 Rosenwinkel

Choctaw MCR 6105

Mattie Dehoney

MCR 6105

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mattie Dehoney, et al.,
for identification as Mississippian Choctaws, A. C. N. 2107.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Mattie Dehoney et al.

Page.

Original application of Mattie Dehoney, et al.,
to the Commission to the Five Civilized Tribes,
for identification as Mississippian Choctaws, 1

Decision of the Commission to the Five Civilized Tribes,
refusing the application of Mattie Dehoney, et al.,
for identification as Mississippian Choctaws, 2

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
July 25, 1902.

6105

In the matter of the application for identification as Mississippi Choctaws of Mattie Deheney for herself and her nine minor children, Will Jr., Jesse, Clara, Luss, Thurman, Spurgeon, Dennis, Washington and Julia Deheney.

S. W. Isaac, attorney for applicants.

Mattie Deheney being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Mattie Deheney.
Q How do you spell that last name? A D-e-h-e-n-e-y.
Q How old are you? A Thirty-five.
Q How much Choctaw blood have you? A Half I reckon.
Q What is your post office address? A Ravenna, Fannin County, Texas.
Q How long have you lived in the state of Texas? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Clark, he has been dead a good while, Garwin.
Q G-a-r-w-i-n? A Yes, sir.
Q Mother living? A Yes, sir.
Q What is her name? A Tobitha Washington.
Q Has your mother any Choctaw blood? A She claims half.
Q What is the other half? A Negro.
Q Did your father have any Choctaw blood? A Full blood.
Q You stated I believe that you have lived in the state of Texas all of your life? A Yes, sir.
Q Where was your father born? A I don't know exactly; he died when I was quite young.
Q Where did he live at that time? A In Mississippi part of the time.
Q You know what county? A Yahoo, I think.
Q Yahoo or Yasee? A May be it is Yasee.
Q You don't know what county? A No, sir.
Q How old would your father be if living now? A Nearly seventy, as well as I can remember.
Q How old is your mother? A Fifty-five.
Q He was fifteen years older than your mother? A I guess he was.
Q Where was your mother born? A In Mississippi I suppose.
Q Came from Mississippi to Texas? A Yes, sir.
Q You know whether your father and mother were married? A I never heard her say; I reckon they was.
Q You know whether they ever lived together as husband and wife? Yes; I suppose they did.
Q How long? A I don't know.
Q Did your mother have any other children by this man? A One more

#2

- Q That child living? A No, sir.
Q Older or younger than you? A Older than me.
Q Did this child leave any descendants? A I don't know.
Q Was your mother a slave? A Yes, sir.
Q Was your father? A No, sir.

It will be necessary that you furnish the Commission with evidence of the marriage of your father and mother. You will be given a period of fifteen days from to-day in which to furnish such evidence.

- Q Do you know the names of your father's parents? A No, sir.
Q Or of any of his grandparents? A No, sir.
Q Did your father have a Choctaw name? A Yes, sir.
Q What was it? A Mississippi Choctaw.
Q A Choctaw name I mean; Indian name? A I don't know sir.
Q Well the Choctaws had a Choctaw Indian name and also an English name, lots of them? A I don't know whether he had one.
Q Did your mother have a Choctaw name? A I don't know that either.
Q Do you know the names of your mother's parents? A I know my mother's mother's name.
Q What was her name? A Margaret Nettle.
Q Was she a slave? A Her mother was a full blood Choctaw she says.
Q Where was she born? A I don't know sir.
Q Do you know how old she would be if she were living today? A No, sir.
Q You know the names of her parents? A No, sir.
Q Did she have a Choctaw name? A I don't know sir whether she did or not.
Q You know the names of Margaret Nettle's grandparents? A No, sir; I do not.
Q Did Margaret ever live in Mississippi? A I suppose she did.
Q You don't know? A No, sir.
Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory? A I don't know sir whether they was or not.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Dehoney
Q Has Will any Choctaw blood? A I never heard him say.
Q You make no claim for him? A No, sir.
Q How many children have you living? A Nine.
Q What are their names and ages, the oldest first? A Will.
Q Will Junior? A Yes, sir.
Q How old is he? A Fifteen years old.
Q The next one? A Jesse.
Q Boy or girl? A Boy.
Q How old is he? A Thirteen.
Q Next one? A Clara.
Q How old is he? A Twelve.
Q Next? A Luss, L-u-s-s.
Q How old is Luss? A Ten.
Q Boy or girl? A Boy.
Q Next one? A Thurman.
Q How old is he? A Nine.
Q Next one? A Spurgeon.
Q Boy or girl? A Boy.
Q How old? A Seven.
Q Next one? A Dennis.
Q How old is he? A Four.

- Q Next one? A Washington.
 Q How old is he? A Three.
 Q Next one? A Julia.
 Q How old is she? A Boy.
 Q How old is he? A One year old.
 Q That is all of them? A Yes, sir.
 Q These children all living with you at this time? A Yes, sir.
 Q Are they all the children of yourself and Will Deheney? A Yes, sir.
 Q This application then is for yourself and nine minor children?
 A Yes, sir.
 Q Is your name or the names of any one of these minor children to be found on any of the Choctaw tribal rolls in Indian Territory?
 A No, sir.
 Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself and any of these children to be admitted or enrolled as members of that tribe? A No, sir.
 Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children? A No, sir.
 Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No, sir.
 Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and nine minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into on September twenty-seventh, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and Chickasaws and is commonly known as the Choctaw-Chickasaw country. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who insisted on being permitted to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old Choctaw Nation might receive land from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present

improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand article fourteen? A No, sir.

Well in case a Choctaw, who might have been living back in the old Nation, back in Mississippi and Alabama, in 1830, when this treaty was made, now nearly seventy-two years ago, decided that he wanted to stay back there in the old Choctaw Nation, and not move out West to this new country he had the right to remain there and become a citizen of the States and receive land from the government of the United States upon certain conditions First; he was required to within six months from the time this treaty was ratified, the treaty was ratified February 24, 1831, let the agent of the government in Mississippi to the Choctaws know that he wanted to stay back there, become a citizen of the States and take land and he was then entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity for each unmarried child living with him under ten years of age, at the time the treaty was made and for each child under ten years of age when the treaty was made he was entitled to one-quarter section. The fourteenth article required that the reservations of these children should adjoin the reservation of the parents and in ever instance the reservations so made to these Indians were required to include the improvement of the head of the family as it existed on the 27th day of September 1830, the time the treaty was concluded. Now if these Indians lived on this land intending to become citizens of the States for five years from February 24, 1831, they were entitled to a grant in fee simple, that is the government would give them a deed or patent to the land and it would become their property and they could dispose of it at their pleasure. The last clause of the fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is, if a Choctaw stayed back there in Mississippi and took land under this fourteenth article he should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever moved out West to this new country he was not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaw Indians from the government of the United States under treaty provisions.

Q I have explained this fourteenth article to you in full; you understand it now? A Yes; very well.

Q Did any of your forefathers or ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits under this article? A No, sir; not as I know of.

- Q Did any of them to your knowledge own an improvement back there in the old Choctaw Nation in Mississippi in Alabama in 1830 when the treaty was made? A I don't know.
- Q You don't know whether they owned an improvement or not? A No, sir.
- Q Did any of them live in the old nation to your knowledge? A A I don't know.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there, become citizens of the States and take land? A I don't know sir.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaws between the years 1833 and 1838? A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under this fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know sir whether they did or not.
- Q Did you ever hear of any of your people ever having gotten any land from the government under this treaty? A No, sir; I never did hear.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay there and become citizens. On this account, the government, at its public land sales, in Mississippi in many instances sold the land upon which the Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1845 providing for the appointment of Commissioners whose duty it should be to go down there in Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors ever appear before any of these Commissioners and attempt to establish any rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

An act of Congress approved on August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government that he should be entitled to select in place of the land so sold by the government land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land and that a certificate should be given to him to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A I don't know sir.
- Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A Not that I know of.
- Q You don't know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 or not? A No, sir; I do not.
- Q You know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir I don't.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir.
- Q Have you any witnesses here today to testify in your behalf? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days and their testimony will be taken or if you should find any written evidence that you desire to offer such proper evidence may be offered within a period of fifteen days from this date and it will receive the consideration of the Commission.

- Q Are there any further statements that you desire to make in support of this application? A No, sir.

Examination by attorney Isaac.

- Q What is your father's name? A Clark Garwin.
- Q Is he living? A No, sir.
- Q Did he ever live in the Indian Territory? A Not that I know of.
- Q Where was he born? A In Mississippi I suppose.
- Q What Nationality was he; what was his blood? A Mississippi Choctaw.
- Q Lived in Mississippi? A Yes, sir.
- Q What part in Mississippi? A Yahoo I think.
- Q Some place in Mississippi? A Yes, sir.
- Q How long has your father been dead? A He died when I was small.
- Q Is your mother living? A Yes, sir.
- Q Where is she living? A Texas.
- Q What is she, a negro? A Half Choctaw and Half Negro.
- Q You know her people? A No, sir; I know her mother's name.
- Q What was her mother's name? A Margaret Nettle.
- Q You don't know her father's name? A No, sir.
- Q Did she come from Mississippi? A I suppose she did I never heard her say.
- Q Don't know where she came from? A No, sir.
- Q Don't know where her father and mother were born? A No, sir.
- Q From whom did she get her Choctaw blood? A From her mother.
- Q Did you know your father's father? A No, sir.
- Q Your father's name is Clark Garwin? A Yes, sir.
- Q You know your father's mother? A No, sir.
- Q Never did hear him say anything about it? A No, sir.
- Q Never did hear your mother say anything about it, who her husband's people were? A No, sir.

- Q You know when your father and mother were married? A No, sir.
 Q You know where they were married? A No, sir.
 Q And when they were married? A I don't know sir.
 Q You know whether they were married since or during the War? A
 A I don't know sir.
 Q Nothing about the time of their marriage? A No, sir.
 Q But suppose they were married in Mississippi? A Yes, sir.
 Q How come you to suppose they were married in Mississippi? A
 Mother has spoken about being in Mississippi and I just supposed
 they were married there.
 Q You say your father is a full blood Choctaw Indian? A Yes, sir.
 Q Your mother is a half Choctaw? A Yes, sir.
 Q State your father was from the state of Mississippi? A Yes, sir.

Examination by the Commission.

- Q Have you any brothers or sisters living? A Yes, sir.
 Q How many? A Two sister and one half brother.
 Q What are there names? A Charkey Washington, Jane Washington
 and Hattie Washington.
 Q Are the girls married? A One of them.
 Q Which one? A Janey.
 Q What is her married name? A Janey Cheatham.
 Q Have your brothers and sisters been before the Commission? A
 No, sir.
 Q Have you any half brothers and sisters? A Yes, I have three.
 Q That are dead? A Yes, sir; I have three.
 Q Did any of them leave children? A No, sir.
 Q You had one full brother or sister? A One full sister
 Q How old was she when she died? A Two weeks old I think mother
 said.
 Q Did your mother have any brothers or sisters? A Yes; she had
 brothers and sisters but I never did hear her say what their
 names was.
 Q You don't know anything about them? A No, sir.
 Q Did your father have any brothers or sisters? A I don't know
 sir whether he did or not.
 Q You don't speak or understand the Choctaw language? A No, sir.

This applicant has the appearance of being possessed of a mixture of Negro and Indian blood in which the Indian apparently predominates; she has straight black hair; dark eyes, and high cheek bones. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 25, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 20 day of August 1902.

L. V. Emerson
 Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Off
C. W.*

-----@-----

In the matter of the application of Mattie Dehoney, et al.,
for identification as Mississippi Choctaws, M. C. N. 6108.

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:-: D E C I S I O N :-:

It appears from the record herein that application for identification as Mississippi Choctaws, was made to this Commission by Mattie Dehoney for herself and her nine minor children, Will, Jr., Jesse, Clara, Luss, Thurman, Spurgeon, Dennis, Washington and Julia Dehoney, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Margaret Nettle and Clark Garvin, both of whom are alleged to have been full blood Cho-

taw Indians.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Margaret Hettle or Clark Garwin signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Dehoney, Will Dehoney, Jr., Jesse Dehoney, Clara Dehoney, Luss Dehoney, Thurman Dehoney, Spurgeon Dehoney, Demais Dehoney, Washington Dehoney and Julia Dehoney as Choctaw Indians

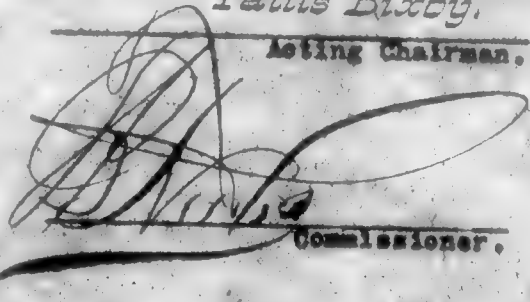
entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Acting Chairman.

A large, stylized handwritten signature, likely of the Commissioner, written over a horizontal line.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 3 1903

COPY:

M.C.R. 6108

Muskogee, Indian Territory, February, 8, 1903.

Mansfield, McMurphy & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Dehoney, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Dehoney, Will Dehoney, Jr., Jesse Dehoney, Clara Dehoney, Luss Dehoney, Thurman Dehoney, Spurgeon Dehoney, Dennis Dehoney, Washington Dehoney and Julia Dehoney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Platt.

Acting Chairman.

COPY.

M.C.R. 6105

Muskogee, Indian Territory, February 5, 1903.

Mattie Dehoney,

Ravenna, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Dehoney, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Dehoney, Will Dehoney, Jr., Jesse Dehoney, Clara Dehoney, Lusa Dehoney, Thurman Dehoney, Surgeon Dehoney, Dannie Dehoney, Washington Dehoney and Julia Dehoney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Mattie Dehoney,--2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6105

Muskogee, Indian Territory, February 3, 1903.

S. W. Isaac,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Dehoney, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Dehoney, Will Dehoney, Jr., Jesse Dehoney, Clara Dehoney, Luss Dehoney, Thurman Dehoney, Spurgeon Dehoney, Dennis Dehoney, Washington Dehoney and Julia Dehoney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

B. W. Isaac,--2

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mattie Dehoney, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 3, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Pixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6103

J.W.H.
W.H.R.

DEPARTMENT OF THE INTERIOR,

Washington, October 27, 1903.

D.O. 50246.
ITD. 4886-1903.
L.R.S.

The Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 19, 1903, you transmitted the record in the case of Mattie Dehoney (M.C.R. 6105), Will Dehoney, Jr., Jesse Dehoney, Clara Dehoney, Luss Dehoney, Thurman Dehoney, Spurgeon Dehoney, Dennis Dehoney, Washington Dehoney and Julia Dehoney, applicants before you for identification as Mississippi Choctaws, including your decision of February 3, 1903, which was adverse to the applicants.

The principal applicant, Mattie Dehoney, through whom the others claim, obtained her Choctaw blood from both parents. Her father, Clark Garwin, was a full-blood Choctaw and was born about the date of the treaty of Dancing Rabbit Creek. The principal applicant claims that said Garwin was a resident of "Yahoo", Mississippi.

At the date of her hearing the principal applicant was unable to name her more remote paternal ancestors. Her mother, Rebitha Washington, is a half-blood Choctaw and a half-blood African, and was born in 1847 in Mississippi. She was the daughter of a Choctaw woman named Margaret Nettle.

In his report of June 4, 1903, the Acting Commission-

er of Indian Affairs stated:

The records of the office do however show that Benjamin W. Garvin acquired land under the provisions of the treaty and that at the date of the treaty he had three children under 10 years of age: they also show that Henry Garvin was given land under the treaty and that at the date of the treaty he had one child under 10 years of age. With reference to Benjamin W. Garvin, the records of this office Book 95, page 401 shows the following:

No. - Benj. W. Garvin, located as appears by the Certificate of location on the following lands, to wit:

Sec. 16 T 1 R 14 E.

N/2 Sec. 21 T 1 R 14 E.

and SW/4 Sec. 21 T 1 R 14 E.

Certificate of location transferred to John Johnston Senr., to whom the reservee requests the patent may be issued. Reservee's deed to said Johnson also filed— also proofs of residence.

The same book, page 273 contains the following record:

No. 212. Henry Garvin, Sec. 16 T 1 R 14 E.
NW/4 Sec. 22 T 1 R 14 E.

Proof of residence do., filed.

Claimant John Johnston Senr. by deed on file—also by transfer on certificate of location attested by A. Holsey & Geo. W. Martin also filed.

Appd. March 13, 1858,
A. V. Brown, Comr.

The Acting Commissioner recommended that the case be returned to you for further investigation.

The Department concurs in the recommendation of the Acting Commissioner and the record is herewith returned for appropriate action in accordance with instructions heretofore

given in cases of like nature.

A copy of the Acting Commissioner's report is
inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.

2 Inclosures.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

Land.
12798-1903.

Washington, June 4, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith report of the Commission to the Five Civilized Tribes dated February 19, 1903, relative to the application of Mattie Dehoney et al. for identification of herself and her minor children Will Jr., Jesse, Clara, Luss, Thurman, Spurgeon, Dennis, Washington and Julia Dehoney as Mississippi Choctaws.

February 3, 1903, the Commission held that the applicants were not entitled to identification by reason of descent from Margaret Nettle and Clark Garvin. Clark Garvin was the father of the principal applicant. The principal applicant does not know his grandfather's name. Margaret Nettle was the principal applicants grandmother.

The records of this office do not show that any one by the name of Margaret Nettle complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 or with the acts of March 3, 1837, and August 23, 1842.

The records of the office do however show that Benjamin W. Garvin acquired land under the provisions of the treaty

and that at the date of the treaty he had three children under 10 years of age; they also show that Henry Garvin was given land under the treaty and that at the date of the treaty he had one child under 10 years of age. With reference to Benjamin W. Garvin the records of this office Book 95, page 401 shows the following:

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The same book, page 273 contains the following record:
No. 212. Henry Garvin. Sec. 15 T 1 R 14 E.

NW/4 Sec 22 T 1 R 14 E.

proof of residence &c., filed.

Claimant John Johnston Senr. by deed on file--also by transfer on certificate of location attested by A. Holsey & Geo. W. Martin also filed.

Appd. March 13, 1838,
A.V.Brown, Comr.

Considering that the principal applicant is unable to tell the name of his grandfather, and in view of what the records of this office show it is respectfully recommended that the case be returned to the Commission with directions to ascertain if possible, whether Clark Garvin was the son of either of the Garvins, possibly Garwins, above mentioned. It is more than likely that this information can be obtained from an examination of the land records in the County in Mississippi in which the land awarded these Garvins is situated.

Although the applicant claims from Garvin and the records of this office show that two persons by the name of Garvin complied with the provisions of the treaty, the office believes on account of the similarity of names the case should be returned as herein recommended.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

G. A. V (B)

Muskogee, Indian Territory, November 3, 1903.

Mattie Dehoney,
Ravenna, Texas.

Dear Madam:

The Secretary of the Interior with his letter of October 27, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of your application for the identification of yourself and nine minor children as Mississippi Choctaws, with instructions that you be granted further opportunity to introduce additional testimony and evidence in support of your claim.

The Secretary of the Interior in his letter states:

"The principal applicant, Mattie Dehoney, through whom the others claim, obtained her Choctaw blood from both parents. Her father, Clark Garvin, was a full-blood Choctaw and was born about the date of the treaty of Dancing Rabbit Creek. The principal applicant claims that said Garvin was a resident of 'Yahoo,' Mississippi.

At the date of her hearing the principal applicant was unable to name her more remote paternal ancestors. Her mother, Tobitha Washington, is a half-blood Choctaw and a half-blood African, and was born in 1847 in Mississippi. She was the daughter of a Choctaw woman named Margaret Nettle.

In his report of June 4, 1903, the Acting Commissioner of Indian Affairs stated:

The records of the office do however show that Benjamin W. Garvin acquired land under the provisions of the treaty and that at the date of the treaty he had three children under 10 years of age; they also show that Henry Garvin was given land under the treaty and that at the date of the treaty he had one child under 10 years of age. With reference to Benjamin W. Garvin the records of this office Book 95, page 401 shows the following:

N D 2

No.- Benj. W. Garvin, located as appears by the Certificate of location on the following lands, to-wit:

Sec. 16 T 1 R 14 E.
N/2 Sec. 21 T 1 R 14 E.
and SW/4 Sec. 21 T 1 R 14 E.

Certificate of location transferred to John Johnston Senr., to whom the reserve requests the patent may be issued. Reserve's deed to said Johnson also filed -- also proofs of residence.

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No. 212. Henry Garvin. Sec. 15 T 1 R 14 E.
NW/4 Sec. 22 T 1 R 14 E.

Proof of residence &c., filed.

Claimant John Johnston Senr. by deed on file--also by transfer on certificate of location attested by A. Holsey & Geo. W. Martin also filed.

Appd. March 13, 1838,
A. V. Brown, Comr."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

M D 3

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Thursday, December 3, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

R & R Dep.
Registered

Chairman.

Muskogee, Indian Territory, November 3, 1903.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of October 27, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of Mattie Dehoney, et al., with instructions that the principal applicant be granted further opportunity to introduce additional testimony and evidence in support of her claim.

The Secretary of the Interior in his letter states:

"The principal applicant, Mattie Dehoney, through whom the others claim, obtained her Choctaw blood from both parents. Her father, Clark Garvin, was a full blood Choctaw and was born about the date of the treaty of Dancing Rabbit Creek. The principal applicant claims that said Garvin was a resident of 'Yahoo,' Mississippi.

At the date of her hearing the principal applicant was unable to name her more remote paternal ancestors. Her mother, Tobitha Washington, is a half-blood Choctaw and a half-blood African, and was born in 1847 in Mississippi. She was the daughter of a Choctaw woman named Margaret Nettle.

In his report of June 4, 1903, the Acting Commissioner of Indian Affairs stated:

The records of the office do however show that Benjamin W. Garvin acquired land under the provisions of the treaty and that at the date of the treaty he had three children under 10 years of age; they also show that Henry Garvin was given land under the treaty and that at the date of the treaty he had one child under ten years of age. With reference to Benjamin W. Garvin the records of this office Book 95, page 401 shows the following:

M D 3

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, up to and inclusive of Thursday, December 3, 1903, such documentary evidence as may be offered in support of this case will receive consideration, and also the testimony of such witnesses as may present themselves in person will be heard.

Respectfully,

R & B Dep.
Registered

Chairman.

S W I 2

No.- Benj. W. Garvin, located as appears by the Certificate of location on the following lands, to-wit:

Sec. 16 T 1 R 14 E.
N/2 Sec. 21 T 1 R 14 E.
and SW/4 Sec. 21 T 1 R 14 E.

Certificate of location transferred to John Johnston Senr., to whom the reservee requests the patent may be issued. Reservee's deed to said Johnson also filed -- also proofs of residence.

The same book, page 273 contains the following record:
No. 212. Henry Garvin. Sec. 15 T 1 R 14 E.
NW/4 Sec. 22 T 1 R 14 E.

Proof of residence do., filed.

Claimant John Johnston Senr. by deed on file--also by transfer on certificate of location attested by A. Holsey & Geo. W. Martin also filed.

Appd. March 13, 1838,
A. V. Brown, Comr."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates;

M C R 6108

Muskogee, Indian Territory, November 10, 1903.

Mattie Dehoney,

Ravenna, Texas.

Dear Madam:

The Commission is this day in receipt of a letter from Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is your desire to introduce oral testimony in support of your application for identification as a Mississippi Choctaw, you first serve notice upon them in order that they may be present and cross examine any witnesses offered.

In accordance with the request contained in said letter, you are hereby notified that before offering any testimony in support of your case, notice of the taking of the same must first be served upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian Territory.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 10, 1903.

S. W. Isaac,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

The Commission is this day in receipt of a letter from Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, in which they request that if it is the intention of the principal applicant in the Mississippi Choctaw case of Mattie Dehoney, et al. to offer testimony in support of her application, notice of the taking of such testimony be served upon the attorneys for the Choctaw and Chickasaw Nations in order that they may be present.

In compliance with the request contained in said letter, you are hereby notified that before submitting any testimony in support of said case, notice of the taking of the same must first be served upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian Territory.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 10, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you request that the applicants, and their attorneys of record, in the Mississippi Choctaw case of Mattie Dehoney, et al., which has been remanded to this Commission for further hearing, be required to serve notice upon you in the event they desire to introduce any testimony in support of their claim. You also ask that you be advised of the post office address of the principal applicant and her attorney.

In reply you are informed that Mattie Dehoney, of Ravenna Texas, the principal applicant in this case, and her attorney of record, S. W. Isaac, Muskogee, Indian Territory, have this day been informed that they must notify you if they desire to offer additional testimony in support of the Mississippi Choctaw case of Mattie Dehoney, et al.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 19, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Mattie Dehoney, et al., together with its decision of February 3, 1903, refusing the application made by Mattie Dehoney for the identification of herself and her minor children as Mississippi Choctaws.

With departmental letter of October 27, 1903 (I T D 4886-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on November 3, 1903, notified the principal applicant, Mattie Dehoney, and her attorney of record, S. W. Isaac, that she would be allowed up to and inclusive of Thursday, December 3, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On December 2, 1903, the Commission received from Mattie Dehoney her sworn affidavit stating that on account of infirmity

-2-

and sickness she is unable to appear before the Commission.

No appearance having been entered by or on behalf of the applicant, and no additional testimony having been offered by her, the original record in said case, together with copies of notices furnished the principal applicant, her attorney, the attorneys for the Choctaw and Chickasaw Nations, and the affidavit submitted by said principal applicant, is therefore herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

MoM 10

JWH

DEPARTMENT OF THE INTERIOR,

FHE

I.T.D. 1948-1904.

WASHINGTON.

April 26, 1904.

GRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 10, 1903, you resubmitted the record in the matter of the application of Mattie Dehoney (M.C.R. 6105), et al., for identification as Mississippi Choctaws. In your decision of February 3, 1903, you refused to identify these applicants as such.

The record in this case was returned to you October 7, 1903 for further investigation. You report that you advised both parties to the case of the Department's instructions in the matter and that the applicants failed to appear in person or otherwise in support of their claims. It does appear, however, that on December 2, 1903, you received from Mattie Dehoney her affidavit, stating that on account of infirmity and sickness she was unable to appear before you. Said affidavit is not substantiated by satisfactory evidence, nor does it show in substance the nature of the testimony which the applicants propose to introduce in support of their claims.

Reporting in the matter March 5, 1904 the Acting Commissioner of Indian Affairs recommended that your decision of February 3, 1903, be approved. A copy of his letter is inclosed.

The Department concurs in the Acting Commissioner's recommendation; your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

LAND

80709-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

March 5, 1904.

COPY.

The Honorable,

The Secretary of the Interior,

Sir:

Permit me to invite your attention to the letter of the Commission to the Five Civilized Tribes, of December 10, 1903, referring to the fact that on February 19, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Mattie Dehoney, et al., together with their decision of February 3, 1903, refusing the application.

With Departmental letter of October 27, 1903, (I. T. D. 4886-1903) the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce evidence.

In accordance therewith the Commission on November 3, 1903, notified the principal applicant, Mattie Dehoney and her attorney of record, S. W. Isaacs, that she would be allowed up to and inclusive of Thursday, December 3, 1903, to introduce additional evidence in support of the claim made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On December 2, 1903, the Commission received from Mattie Dehoney her sworn affidavit stating that on account of infirmity

and sickness she was unable to appear before the Commission. No appearance having been entered by or on behalf of the applicant and no additional testimony having been offered by her up to and inclusive of December 10, 1903, with the exception of the filing of the affidavit referred to, the original record in the case, together with copies of notice furnished the principal applicant and her attorney, the attorneys for the Choctaw and Chickasaw Nations and the affidavit submitted by the principal applicant is transmitted by the Commission.

The applicant in this case if she desired to make a showing of inability to appear at the time set by the Commission should not only have made showing of the disabilities which would prevent her appearance, but also of the fact that she could submit further evidence which would tend to strengthen her case, but having failed to do this and having failed to show any good reason why any further delay should be had in the case, I am of the opinion that the original decision of the Commission rejecting her and those joined with her should be approved and so recommend.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

MBH:IM

COPY. M.C.R. 6105

Muskogee, Indian Territory, May 31, 1904.

Mattie Dehoney,

Ravenna, Texas,

Dear Madam:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of the several persons included in the case of Mattie Dehoney et al., of which decision you were advised by registered mail on the 3rd day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COPY: M.C.R. 6105

Muskogee, Indian Territory, May 31, 1904.

S. V. Isaac,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mattie Dehoney et al., of which decision you were advised by registered mail on the 3rd day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COPY. M.C.R. 6105

Muskogee, Indian Territory, May 31, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mattie Deheney et al., of which decision you were advised by mail on the 3rd day of February, 1903.

Respectfully,

(SIGNED)

Tams Birby.
Chairman,

For Identification as a Mississippi Choctaw.

Date JUL 25 1902

Name Mattie Dehoney

Age 35 Blood $\frac{1}{2}$

Post-Office, Ravenna Tex

Father: Clark Garwin freed

Mother: Tobitha Washington $\frac{1}{2}$ L

Claims through both parents.

Will Dehoney L

No claim for husband.

Children:

Will Dehoney Jr. 15

Jesse " m 13

Clara " 12

Luce " m 10

Thurman " " 9

Spurgeon " " 7

Dennis " " 4

Washington " " 3

Julia " " 1

Stenographer

G Rosenwinkel

Muskogee I.T.
Oct 11. 1902

Recd one copy of testimony in
MBR 6105 Matthe Whoney & al
J. H. Isaac

Choctaw MCR 6106

Susan Smith

MCR 6106

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Susan Smith, et al., for
identification as Mississippi Choctaws, H.C.R. 6106.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Susan Smith, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1

Decision of the Commission refusing the application of Susan Smith, et al., for identification as Mississippi Choctaws-----	2
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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T., July 25, 1902.

6106

In the matter of the application for identification as Mississippi Choctaws of Susan Smith, for herself and her three minor children, Millie, Minnie and Oscar Smith,

B. W. Evans, attorney for applicants.

Susan Smith being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Susan Smith.
Q How old are you? A Thirty-seven years old.
Q How much Choctaw blood have you? A One-half.
Q What is your post office address? A Ravena, Fannin County, Texas.
Q How long have you lived in the state of Texas? A All my life.
Q Is your father living? A No, sir.
Q What was his name? A Henry Hemer.
Q Is your mother living? A No, sir; she is dead.
Q What was her name? A Millie Hemer.
Q Through which parent do you get your Choctaw blood? A My father.
Q Ever see your father? A Yes, sir.
Q How much Choctaw blood did he have? A He said full blood; he looked like me; I favor him only my color don't; my mother was a Negro.
Q How long has your father been dead? A My father has been dead twenty years or more.
Q How old was he when he died? A About fifty as near as I can recollect.
Q Where was he born? A Born in Mississippi.
Q What county? A I just can't recollect, I heard mother say too, but I can't recollect what county.
Q Do you know how long he lived in the state of Mississippi? A A No, sir; I don't but for several years.
Q He then came from there to Texas? A Yes, sir.
Q Was he married to your mother? A Yes; they lived together as man and wife.
Q How long? A A long time.
Q Was your father a slave? A No, sir.
Q Was your mother? A Yes, she was.
Q How many children did she have by your father? A Four, two are dead and two living.
Q Which died first, your mother or father? A My father died first.
Q Did he live with your mother until the time of his death? A Yes, sir.
Q Did he have a Choctaw name? A I don't know what a Choctaw name is; the only name I knew him to have was Henry Hemer but he could talk Choctaw.

- Q You know the names of his parents? A His father's name was John Homer.
- Q How much Choctaw blood did John have? A He said his father was a Choctaw, full-blood and his mother too.
- Q What was your father's mother's name? A I don't remember what he said her name was; I heard it too but never paid any attention to it. It seems to me he said her name was Hannah.
- Q Was she a slave? A No, sir.
- Q Was John a slave? A No, sir.
- Q Where did John and Hannah live? A In Mississippi.
- Q You know the County? A No, sir.
- Q They lived there all their lives? A Yes; as far as I knew.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him then? A No, sir.
- Q What is his name? A Wesley Smith.
- Q Have you any children living? A Three.
- Q Give their names and ages, the oldest first? A Millie is the oldest one.
- Q How old is she? A Eighteen.
- Q Is she married? A No, sir.
- Q Next one? A Minnie.
- Q How old is Minnie? A Sixteen years old.
- Q Next one? A Oscar, a girl.
- Q A girl? A Yes, sir.
- Q How old is this girl? A Fourteen.
- Q These children all living with you? A Yes, sir.
- Q You spell that girl's name O-s-c-a-r? A Yes, sir.
- Q These children are the children of yourself and Wesley Smith? A Yes, sir.
- Q Have you any children dead? A One.
- Q How old was that child when it died? A Eight years old I reckon.
- Q Then this application is for yourself and three minor children? A and three children that is all.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not that I knew of.
- Q Is your name or the names of any one of these minor children to be found on any of the Choctaw tribal rolls in Indian Territory? A No, sir; not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these minor children to be admitted or enrolled as members of that tribe? A No, sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Neither you nor any one of your minor children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the United States authorities? A No, sir.
- Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing rights as a Choctaw Indian? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on September 27, 1830, nearly seventy-two years ago, between the government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaw lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who insisted upon being permitted to stay there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in the old Choctaw Nation and not remove out West to the new country might receive land from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand article fourteen? A Yes, sir; not very well; what do you mean by if they ever removed?
- Q Well in case these Indians who lived back there in Mississippi in 1830, took land there under that fourteenth article, got that land from the government, then if they ever moved out West here in the New Nation they were not to be entitled to any portion of the Choctaw annuity? A I understand that now.
- Q You understand the fourteenth article? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A Not that I know of.
- Q Did any of them live back there in the old Choctaw Nation in 1830 when the treaty was made? A I don't know my father said all of his parents lived there but I don't know anything about it. I was not born then. I could not know.
- Q Well did you ever hear him say that his people lived there in 1830? A I don't remember him saying 1830 but that he left them there.
- Q That was John and Hannah Homer? A Yes, sir.
- Q You know whether they owned an improvement there at that time? A No, sir.

- Q You know whether any of your Choctaw ancestors within six months after this treaty was made let the agent of the government in Mississippi for the Choctaws know that they wanted to stay there become citizens and take land? A I don't know.
- Q You know whether any of them removed to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A No, sir.
- Q Do you know whether any of them ever claimed or received any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir; I don't know.
- Q You never heard of them ever receiving any land from the government as Indians? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the government show that this agent failed to register and report the names of many Choctaws who did in fact let him know that they wanted to remain there, become citizens and take land and on this account the government, at its public land sales, in Mississippi, in many instances sold the land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of such Choctaws as claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President and went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select land in place of the land so sold by the government land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant government land and that he should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any scrip from the government under this act of Congress? A No, sir; that I know of.
- Q So far as you know then none of your ancestors ever received any benefits as Choctaw Indians? A No, sir.

- Q You don't know whether any of them were recognized members of the Choctaw tribe of Indians in 1830 or not? A No, sir; I don't know that.
- Q You know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or received any benefits thereunder? A If I had time I probably might find some of them.
- Q You know of any written evidence of any description which would prove or tend to prove such a state of facts? A I don't know of any just at present but I can secure them.
- Q Have you any written evidence of any description to offer at this time? A No, sir.
- Q Any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they can appear before us here at Muskogee, within fifteen days from this date and their testimony will be taken or if you see fit to offer any written evidence such proper evidence as you may offer within fifteen days from this day will be received for consideration by the Commission.

- Q Are there any further statements that you desire to make at this time in support of your application? A No, sir.

Examination by attorney Isaac.

- Q What did you say your father's name was? A Henry Homer.
- Q What was his father's name? A John Homer.
- Q What was his mother's name? A Hannah.
- Q You are positive that was his mother's name? A I think I am; I think I heard mother call them name so often.
- Q Did he live in Mississippi? A Yes, sir.
- Q He lived there did he? A Yes, sir.
- Q Where were he and your mother married? A In Mississippi.
- Q You know what place? A I can't recollect the place.
- Q You don't remember what place it was? A No, sir.
- Q About what time did he come from Mississippi to Texas? A I don't know what year it was; they came there a few years before I was born.
- Q Was that before the War or when? A Somewhere about that time.
- Q During the War? A Yes, sir.
- Q How old are you, did you say? A Thirty-seven.
- Q You know what year you were born in? A I think my mother said in the year sixty-five.
- Q You have no idea as to when your father and mother were married? A No, sir.
- Q Did they live together as man and wife in Texas? A Yes, sir.
- Q In Fannin County? A Yes, sir.
- Q Did you hear your father say anything about his father having lived in the state of Mississippi in 1830? A I don't know whether it was 1830 or not but they lived there.
- Q Did you hear your father say anything about his family having owned land in Mississippi? A I don't remember.
- Q Suppose you heard him say that he was the head of a family in 1830, his father? A Yes, sir.
- Q You don't know what time it was? A No, sir; it was before he left there.
- Q You don't know anything about the 14th article of the treaty of 1830? A No, sir.

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- Q You ever have it explained to you before this morning? A No, sir.
Q You have no idea then as to whether your father's people were ever enrolled as Indians in Mississippi during the enrolling of 1830 or thirty-seven and forty-two? A I don't know but I suppose they was, it is very likely.
Q But you don't know anything about it? A No, sir; I don't.

Examination by the Commission.

- Q Have you any brothers living? A Yes, I have one brother.
Q Full brother? A No, sir; half brother.
Q Mother's side or father's side? A Mother's side.
Q Any sisters living? A One.
Q Full sister? A Yes, sir.
Q Same father and same mother? A Yes, sir.
Q What is her name? A Lecta Alexander.
Q Has she been before this Commission? A No, sir; will you let me make a claim for her.
Q No, sir; she will have to come herself? A Well that is her name.
Q Have you any full brothers dead? A One.
Q What was his name? A His name was---I was small, I can't recollect his name.
Q How old was he when he died? A About six months.
Q Any of your full sisters dead? A No, sir.
Q Your father ever have any brothers or sisters that you know of? A Not that I knew of.

This applicant has the features and facial expression of a Negro; her complexion is perfectly black; her hair however is straight. She shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 25, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 20 day of August 1902.

G. Rosenwinkel
Guy L. Emerson
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Susan Smith, et al.,
for identification as Mississippi Choctaws, M.C.R. 4106.

D E C I S I O N

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Susan Smith for herself and her three minor children, Millie, Minnie and Oscar Smith, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Homer and Hannah (or Hannah Homer) who are alleged to have been full blood Choctaw Indians.

The name John Homer appears in a "Schedule of these Choctaws who received land under the provisions of the 14th article

of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article". The name Hannah appears in Volume I, page 407 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, as a child over ten years of age of Hobah-tubbee, a claimant whose name appears in a tabular statement of cases arising under the fourteenth article of said treaty, which were adjudicated by the board of Commissioners constituted by the act of Congress of 23rd August 1842. The name Hannah also appears in Volume VII, American State Papers, Public Lands, page 107 in a list of names of Indians owning farms in Greenwood Lefflore's District in eighteen hundred and thirty. It also appears from the records in the possession of the Commission that one Hannah received scrip as a beneficiary under article fourteen of said treaty. There is nothing in the testimony submitted by the applicants herein which would tend to show that the said John Homer, or Hannah whose names appear in the records above cited are identical with the persons through whom they claim.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the

possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Homer, or Hannah (or Hannah Homer) through whom these applicants claim, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Smith, Millie Smith, Minnie Smith and Oscar Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED:

Tame Dixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory,

FFB 4 1003

*Next to last
copy*

COPY.

Muskogee, Indian Territory, February 4, 1903.

Susan Smith,
Ravenna, Texas.

Dear Madam:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Smith, Millie Smith, Minnie Smith and Oscar Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

S. S. No. 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tamie Bixby.

Acting Chairman.

Registered.

M.C.R. 6106.

COPY.

Muskogee, Indian Territory, February 4, 1903.

S. W. Isaacs,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Smith, Millie Smith, Minnie Smith and Oscar Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

S. W. I. No. 2.

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

James Bixby.

Acting Chairman.

Registered.

M.C.R. 6105.

COPY.

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Susan Smith, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Smith, Millie Smith, Minnie Smith, and Oscar Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Susan Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6106

D.C. 16028

Copy
Department of the Interior/
Washington,

J.W.H. FHE.

ILT.D. 3132-1903.

May 25, 1903.

L R 8

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 20, 1903, you transmitted the record in the case involving the application of Susan Smith, (M.C.R. 6106, et al., for identification as Mississippi Choctaws, including your decision of February 4, 1903, refusing to identify them as such.

The principal applicant in this case, Susan Smith, was born in 1865. Her father, Henry Homer, now deceased, was a full blood Choctaw. He was born about the time of the treaty of Dancing Rabbit Creek. The father of Henry Homer was also a full blood Choctaw, named John Homer. The wife of the latter was a full blood Choctaw named Hannah.

From your decision, and from the report of the Acting Commissioner of Indian Affairs of March 21, 1903, it appears that there was a John Homer who received a patent to land in Mississippi in accordance with the provisions of article 14 of the treaty of 1830; also that there were a number of persons of the name of Hannah who attempted to comply with the provisions of said article. In said report the Acting Commissioner recommended that the case be returned to your for further investigation.

Concurring in that recommendation, the Department herewith remands the case to you for further inquiry. It is desired that in

advising the applicants hereof, you furnish them with the material part of the evidence contained in your records as well as that contained in the report of the Acting Commissioner. It is also desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.R: 4964).

The record in the case is returned herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

THOS. RYAN.

Acting Secretary.

2 inclosures.

Land.
12763-1903.

Copy
Department of the Interior,
Office of Indian Affairs

Washington, March 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Susan Smith for herself and her three minor children, Millie, Minnie and Oscar Smith, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from John Homer and Hannah (or Hannah Homer) who it is alleged were full blood Choctaw Indians and residents in the Choctaw Nation in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830, through Henry Homer, their son, father of the principal applicant.

The commission rejected the applicants February 4, 1903, because they had never been enrolled as citizens of the Choctaw Nation, and for the reason that the evidence was insufficient to establish the identity of the ancestors through whom they claim, with the parties of like name that appear on their records as follows:

"Schedule of these Choctaws who received land under the provisions of the 14th Article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article."

"The name Hannah appears in Volume 1, page 407 of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, as a child over ten years of age of Hobah-tubbee, a claimant whose name appears in a tabular statement of cases arising under the 14th Article of said treaty, which were adjudicated by the board of Commissioners constituted by the Act of Congress of 23rd August 1832. The name Hannah also appears in Volume 7 American State Papers, Public Lands, page 107, in a list of names of Indians owning farms in Greenwood Leflore's District in eighteen hundred and thirty. It also appears from the records in the possession of the Commission that one Hannah received scrip as a beneficiary under Article fourteen of said treaty."

An examination has been made of the records of this office with reference to the names of John Homer and Hannah (or Hannah Homer) and it is discovered that there was a John Homer head of a family, who received land under the provisions of the 14th Article of the treaty of 1830, who had 3 children over and three under 10 years of age in Choctaw book No. 95, of "Brown and Kincaannon's Notes of Proceedings in Certifying Choctaw Claims in Mississippi" on page 379, appears the following records:-

No 412 John Homer,	Sec. 32, T 16 R 1 E.
" E/2	Sec. 31, T 16, R 1 E.
" SE/4	" 30, T 16 R 1 E.
" S/2	" 29, T 16, R 1 E.
" Frac.	Sec. 5 T 15, R 1 E.
" E/2 of NE/4	Sec. 6 T 15, R 1 E.

Affidavits proving residence &c. and deed filed.

Witnesses Jos. B. Earl & Rebt. M. Williams, proving residence.

M
Approved March 1838.

A.V.B. (A.V. Brown).

"These lands claimed by Green B Chainey & Peyton Chainey by deed from Reservee & wife & others, their children, dated 14th December 1836, for the consideration mentioned below attested by 3 wits. Proved and recorded in Sumter county. Deeds in possession of claimants who desire title to themselves."

"Consideration \$24,738.50 cts."

Joseph B. Earl sworn saith, that he was acquainted with Reservee and with the above lands located for him. Did not see money paid, but heard reservee acknowledge the receipt of the consideration about \$24, 000."

The name Hannah appears as a child over ten years of age, of Ho-bah-tubbee, applicant who was awarded scrip under the provisions of the 14th Article of the treaty of 1830, in Choctaw book No. 101 of the records of this office, "Journal of Proceedings of Commissioners Claiborn & Graves in the adjudication of Choctaw claims" Page 53 "Feb. 7th 1843, case 144. Ho-bah-tubbee (decd) represented by his children, Hannah & Others then farther on in a list of the children her name appears as "1. Hannah, woman present", then on page 54 of same, "1. Hannah, at date of treaty was over ten & unmarried, having been separated from her husb'd, Pahna, before that time, she was then living with her father, the dec'd claimant."

It will be seen from this record that the Hannah referred to, who was the only Hannah whose name appears as a beneficiary under the 14th Article of the treaty, could not be the Hannah, wife of John Homer, under whom the applicants claim.

The John Homer of our records was one of the early reservees

under the Choctaw treaty and the proceedings in his case were had at a time when it was not deemed necessary to give the names of the children, consequently this office has no information relative to the family of John Homer except the number of children and whether they were over or under 19 years of age. But the record given herein shows that Homer executed a deed for the land reserved for the family, which deed was recorded in Sumter County, Alabama, and tends to support the presumption that the names of Homer's children were given in connection with the deed. At any rate, the name of the wife of Homer must appear.

I therefore recommend that the case be returned to the Commission with instructions that the information contained in the deed of Homer be procured, if possible, and a new report be made on the strength of the information thus obtained.

Very respectfully,
A.C. Tonner,

Acting Commissioner.

C.T.C.

L.

COPY.

Muskogee, Indian Territory, July 7, 1903.

Susan Smith,
Ravenna, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 25, 1903, remanded to this Commission the record theretofore forwarded to the Department in the Mississippi Choctaw case of Susan Smith, et al., with instructions that the applicants ~~be~~ granted an opportunity to introduce further testimony in support of their claim.

The record shows that the applicants in this case claim their Choctaw descent from Henry Homer, a full blood Choctaw, the said Henry Homer being the son of John Homer and Hannah, both full blood Choctaws.

The Secretary of the Interior in his letter states: "It appears that there was a John Homer who received a patent to land in Mississippi in accordance with the provisions of article 14 of the treaty of 1830; also that there were a number of persons of the name of Hannah who attempted to comply with the provisions of said article."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article

2.

14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to,

3

you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 7, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

R & R Dep.

Registered.

COPY!

Muskogee, Indian Territory, July 7, 1903.

S.W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 25, 1903, remanded to this Commission the record theretofore forwarded to the Department in the Mississippi Choctaw case of Susan Smith, et al., with instructions that the applicants therein be granted an opportunity to introduce further testimony in support of their claim.

The record shows that the applicants in this case claim their Choctaw descent from Henry Homer, a full blood Choctaw, the said Henry Homer being the son of John Homer and Hannah, both full blood Choctaws.

The Secretary of the Interior in his letter states: "It appears that there was a John Homer who received a patent to land in Mississippi in accordance with the provisions of article 18 of the treaty of 1830; also, that there were a number of persons of the name of Hannah who attempted to comply with the provisions of said article."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article

2.

14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to,

3

you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 7, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

R & R Dep.

Registered.

M.C.R. 6106

COPY.

Muskogee, Indian Territory, July 7, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 26, 1903, remanded to this Commission the record therefore forwarded to the Department in the Mississippi Choctaw case of Susan Smith, et al., with instructions that the applicants therein be granted an opportunity to introduce further testimony in support of their claim.

In accordance with such instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 7, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, August 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 20, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Susan Smith, et al., together with its decision of February 4, 1903, refusing the application made by Susan Smith for the identification of herself and minor children as Mississippi Choctaws.

With departmental letter of May 25, 1903 (I T D 3132-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on July 7, 1903, notified the principal applicant, Susan Smith, and her attorney of record, S. W. Isaac, that she would be allowed up to and inclusive of August 7, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the

applicants, and no additional testimony having been offered by them, the original record in said case, together with copies of notices furnished the principal applicant, her attorney, S. V. Isaac, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

McM 00

COPY.

WCF.
EAF.

D.C.26987.
ITD.6634-1903.
S152-1903.

DEPARTMENT of the INTERIOR,

WASHINGTON, September 25, 1903.

L.R.S.

Commission to the Five Civilized Tribes.

Muskogee, I.T.

Gentlemen:

August 8, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Susan Smith and her minor children, Millie, Minnie and Oscar Smith.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of John Homer and Hannah (or Hannah Homer), who are alleged to have been full blood Choctaw Indians, through their son, Henry Homer, father of the principal applicant. Your decision rejecting the applicants was rendered February 4, 1903.

On May 25, 1903, the Department remanded the case to you for further investigation for the reason that the records of the Indian office show that one John Homer received a patent to land in Mississippi under the provisions of article 14 of the treaty of 1830, and that a number of persons by the name of Hannah attempted to comply with the provisions of said article. It appears that on July 7, 1903, you notified the principal applicant, Susan

Smith, and her attorney, that the applicants would be allowed 30 days in which to introduce additional evidence in support of the application.

"In your letter of August 8, you state that during said 30 days no appearance was entered by or on behalf of the applicants, and no additional testimony was offered by them.

Reporting September 3, 1903, the Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department considers that the rights of the applicants have been duly protected, and your decision rejecting them is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Land.
51632.

COPY.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Sept. 3rd, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith letter of the Commission to the Five Civilized Tribes of the 8th, ultimo, returning record in the Mississippi Choctaw case of Susan Smith, et al., wherein with Departmental letter of May 25th, I.T.D. 3132-1903, the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce evidence.

In accordance with the instructions of the Department the Commission on July 7th, 1903, notified the principal applicant, Susan Smith, and her attorney of record, S.W. Isaac, that she would be allowed up to and inclusive of August 7th, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished to the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicants up to and inclusive of August 7th, and no

additional testimony having been offered by them, the original record in the case, together with copies of notices furnished the principal applicant, her attorney S.W. Isaac, and the attorneys for the Choctaw and Chickasaw Nations, is transmitted by the Commission.

The original record in this case showed that the applicants based their claims to identification on their descent from John Homer and his wife, Hannah, through Henry, their son, the father of Susan Smith. The records of this office show that there was a John Homer, who received a title to land in behalf of himself and his children under the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, and that there were persons of the name of Hannah who were beneficiaries under the provisions of the Fourteenth Article. In the light of these facts it was deemed advisable to return the record, in order that the applicants might submit additional proof to establish more completely whether they were or were not descendants of the Fourteenth Article Choctaws referred to.

Having been furnished opportunity to submit such additional evidence, and having failed to appear, or tender evidence, or show cause why it was impossible for them to do so under the conditions imposed, it is my judgment that the original decision of the Commission rejecting them should be approved and I recommend acceding.

Very respectfully,

W.A. Jones,
Commissioner.

E.B.H.-L.C.

U. C. R. 6106.

COPY.

Waskogee, Indian Territory, October 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Susan Smith, et al., of which decision you were advised by mail on the 4th, day of February, 1903.

Respectfully,

Tams Bixby.
Chairman.

M.C.R.6106.

COPY.

Muskogee, Indian Territory, October 7, 1903.

Susan Smith,

Ravenna, Texas.

Dear Madam:

You are hereby notified that on the 25th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Susan Smith, et al., of which decision you were advised by registered mail on the 4th, day of February, 1903.

Respectfully,

Yours

Tame Bixby.
Chairman.

M.C.R.6106.

COPY:

Muskogee, Indian Territory, October 7, 1903.

S.W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 25th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Susan Smith, et al., of which decision you were advised by registered mail on the 4th, day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Mr. Roger J. T. O'Brien

Remind one copy of testimony
in MCR 6106 Thos. Smith et al

J. W. Isaac

For Identification as a Mississippi Choctaw.

Date

JUL 25 1902

Name

Susan Smith

Age

37

Blood

1/2

Post-Office,

Ravenna Tex.

Father:

Henry Homer d

Mother:

Millie

"

d

Claims through

husband father

Wesley Smith

L

No claim for husband.

Children:

Millie Smith F 18

Minnie " F 16

Oscar " F 14

Self has 3 children

Stenographer

G. Rosenwinkel

MCR 6107

Pinkney G. Neal

See MCR 6083, 5538, 6108,
5539, 6084, 6112, 6444,
6445, 6618, 6617

MCR 6107

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 26, 1902.

6107

In the matter of the application for identification as Mississippi Choctaws of Pinkney G. Neal, for himself and his three minor children, Elmo Hayden, David Oliver, and Ira Jefferson Neal.

Thomas & Harrison, attorneys for applicant; appearance by
W. M. Harrison.

Pinkney G. Neal being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A P. G. Neal.
Q What is that "P" for? A P-i-n-k-n-e-y.
Q How old are you? A I am fifty-nine years old.
Q How much Choctaw blood have you? A I claim one-eighth.
Q What is your post office address? A In Texas, you mean where I live, Chrisman, Baleson County, Texas.
Q How long have you lived in the state of Texas? A About twenty years this last fall.
Q Where did you live prior to your removal to the state of Texas? A I lived in Mississippi.
Q In what County? A I lived in Atel la County, when I left there I had been living there for several years.
Q Where did you live before you removed to Atella County? A Choctaw county.
Q Were you born in Choctaw County in Mississippi? A Yes, sir.
Q You lived in the state of Mississippi then until you were about thirty-nine years of age? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A Stephen Neal.
Q Is your mother living? A No, sir.
Q What was her name? A Sarah Ann.
Q Through which one of your parents do you get your Choctaw blood? A Through my mother.
Q How long has your mother been dead? A Something over six years.
Q How old was she at the time of her death? A About sixty I think, I don't remember exactly.
Q Do you know how old she was when you were born? A No, sir; I do not.
Q Were you her only child? A Yes the only son.
Q She certainly was more than seven years older than you? A She must have been seventy I suppose.
Q When she died? A Yes, sir.
Q Where was she born? A She was born in Chickasaw or Choctaw I aint' right sure which; she was born in Mississippi though, in Chickasaw or Choctaw county, Mississippi.
Q In Chickasaw or Choctaw County Mississippi? A I think, I don't know which one.
Q Where did your mother die? A In Texas.

#2

- Q Did she remove to Texas at the time you moved out there? A Yes, sir.
- Q She had theretofore always lived in the state of Mississippi? A Yes, sir.
- Q Through which one of her parents did she get Choctaw blood? A Her father.
- Q What was her father's name? A Starlin Carleton or Carleton Starlin, I don't know which.
- Q C-a-r-l-e-t-o-n is that the way to spell it? A That is right I think.
- Q You don't know which is his surname? A No, sir; it is a double name I think.
- Q How much Choctaw blood did this man Starlin Carleton have? A About one-half.
- Q How long has he been dead? A I don't know sir, how long.
- Q Did he die before you were born? A Yes, sir.
- Q Do you know the year in which he died? A No, sir.
- Q You know the names of his parents? A No, sir.
- Q Did he have any name besides Carleton Starlin or Starlin Carleton? A Not that I know of.
- Q He had no Indian name that you know of? A No, sir; not that I know of.
- Q Do you know whether he spoke or understood the Choctaw language? A No, sir.
- Q What was your mother's mother's name? A Sarah Elizabeth.
- Q She was a white woman? A Yes, sir.
- Q Do you know whether Starlin Carleton or Carleton Starlin and Sarah Elizabeth were lawfully married? A No, sir; I don't know that was before I was born.
- Q Do you know how long they lived together as husband and wife? A They lived together, I suppose, some time, there were several children.
- Q Which died first? A He died first.
- Q Did they live together as husband and wife until his death? A That has been my understanding.
- Q Where was he born? A I don't know.
- Q Do you know where he lived in 1830? A I am not positive about where he lived but my understanding was from my mother that he always lived right about there in Choctaw or Chickasaw, whichever it was, where he was born. He died when she was small, I don't think she recollected a great deal about him.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your mother's father and mother and you will be allowed a period of fifteen days from this date to furnish such evidence.

- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not that I know of.
- Q Are you married? A Yes, sir.
- Q How many times have you been married? A Only one time.
- Q Is your wife living? A Yes, sir.
- Q What is her name? A Sarah Jane.
- Q Has she any Indian blood? A None that we know of.
- Q Then you make no claim in her behalf? A No, sir.
- Q Have you any children living who are under twenty-one years of age and unmarried? A Yes, sir.
- Q How many? A Three.
- Q What are their names and ages, the oldest one first? A Klouze.

Q A-l-o-o-n-a-y? A I spell it with an "E".
 Q Any middle initial? A Elsona Hayden is his full name.
 Q How old is he? A Eighteen.
 Q Next one? A David Oliver.
 Q How old is he? A He is sixteen.
 Q Next one? A Ira Jefferson.
 Q How old is he? A He is twelve years old.
 Q That all of your children? A Yes, all I got under my control.
 Q Are these children living with you at this time? A Yes, sir.
 Q Are they the children of yourself and Sarah Jane Neal? A Yes, sir.
 Q This application then is for yourself and three minor children?
 A Yes, sir.
 Q Were you married to Sarah Jane under a license? A Yes, sir.
 Q When? A I was married in December 3, 1855.
 Q Where? A In Mississippi, in Attalla County.
 Q You were married in fifty-five? A In sixty-five I mean.
 Q Who married you? A It was a parson by the name of----.
 Q If you don't recollect the name it don't make any material difference? A I don't recollect.
 Q Was he a minister of the Gospel? A His name was Harvy.
 Q Have you your marriage license and certificate with you? A No, sir.

It will be necessary that the Commission be furnished with proper evidence of your marriage to Sarah Jane Nealand you will be allowed a period of fifteen days from this date in which to furnish such evidence.

Q How many children have you living who are either over age or married? A Four.
 Q What are their names, if any of them are daughters please give their married names? A I have two sons who are of age.
 Q What are their names? A One is Dennis Franklin the other one is Pinkney,--John Pinkney.
 Q Next child? A Miles Allan Neall.
 Q Next one? A Is a girl,--daughter, they call her Mary Susan.
 Q Is she married? A Yes, sir.
 Q What is her married name? A Pruitt.
 Q Have these children been before the Commission? A No, sir.
 Q Have you any children dead? A Yes, sir.
 Q How many? A Four.
 Q Did any of them leave children? A No, sir; they died small.
 Q Is your name or the names of any one of your minor children to be found on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
 Q Did you ever make application in your own behalf or in behalf of any of these minor children to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe? A No, sir; I never have before.
 Q Did you in the year 1896 make application to this Commission in your own behalf or in behalf of these children to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
 Q Then neither you nor your children have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Dawes Commission or the United States Court for the Indian Territory? A No, sir.
 Q Is this the first application of any description which has ever been made for you or these children for the purpose of establishing your rights as Choctaw Indians? A Yes, sir.

- #4
- Q Do you appear before this Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and three minor children under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the Country occupied by them in Mississippi and Alabama to the New Country West of the Mississippi River part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory.. At the time the treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation and not move out West of the Mississippi might receive land back there from the government? It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; do you understand it? A I don't know sir, I reckon I do.

For fear that you might not understand it correctly I will endeavor to explain it more fully to you. In case a Choctaw Indian who might have been living in the old Choctaw Nation in Mississippi and Alabama, in 1830, when the treaty of Dancing Rabbit Creek was made, that is nearly seventy-two years ago now, decided that he wanted to stay back there, become a citizen of the States and take land, he had the right to do so and he had the right to receive certain lands from the government back there in the old Nation upon certain conditions; first, he was required by the terms of the fourteenth article to let the Agent of the government in Mississippi, the government had an

agent in Mississippi, in 1831, by the name of Colonel William Ward, know within six months from February 24, 1831, that he wanted to stay there, become a citizen of the States, and take land; February 24, 1831, was the day on which this treaty was ratified. After the Indian had so notified Colonel Ward that he wanted to stay there, become a citizen of the States and take land under article fourteen he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one-half that amount, or three-hundred and twenty acres, for each unmarried child which was living with him at the time the treaty was over ten years of age; and for each child which was living with him at the time the treaty was made under ten years of age, he was entitled to one-quarter section or one-hundred and sixty acres. The reservations so made for these children were required to adjoin the location of the parents and in each and every instance where reservations were so made for Indians under the fourteenth article of the treaty these reservations were required to include the improvement of the head of the family as it existed on September twenty-seventh, 1830, the day this treaty was made or a portion of that improvement. Now if these Indians lived on the land so reserved for them for a period of five years from February 24, 1831 or until February 24, 1836, they were entitled to a grant in fee simple to the land, that is the government would give them a deed or patent to the land and it would become their property and they could dispose of it at their own pleasure. The concluding clause of that fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Choctaw annuity is money which becomes due each year to the Choctaw Indians from the government of the United States under treaty provisions and the persons who stayed back there under this fourteenth article would not by reason of their having done so lose the privilege of Choctaw citizens but if they afterwards moved out to this new country they would not be entitled to any portion of the Choctaw annuity."

- Q Do you understand this fourteenth article thoroughly? A I don't understand it thoroughly.
- Q What is there about it you don't understand? A If I understand it right those that came over and did not take land back there they have no right in this land; those that stayed back there and received land back there and received land legally, if I understand, are they entitled to any more?
- Q Persons who remained back there in the old nation and received land from the government under the fourteenth article did not by reason of the fact that they did so lose the privilege of Choctaw citizens, in other words they could come out here later and still have the privilege of Choctaw citizens except that they had no right to the Choctaw annuity. That is the only distinction between them and the other Choctaws who moved out here shortly after the treaty was made. You think you understand the fourteenth article? A Yes, sir.

- Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen or ever receive any benefits thereunder? A None that ever I know of.
- Q What one of your Choctaw ancestors lived in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made; that is your parents or grand parents or great grandparents? A If there was any living at that time I don't know it; I have some uncles, my mother's uncles, that lived there.
- Q Well your mother was born about the time that treaty was made? A Yes, sir.
- Q Where was her father living at that time? A In the Choctaw or Chickasaw.
- Q Choctaw or Chickasaw county you mean? A Yes, Choctaw or Chickasaw county.
- Q Mississippi? A Yes, Mississippi.
- Q Now do you know how long your mother's father had lived back there prior to her birth? A No, sir I don't; I don't recollect that.
- Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation in Mississippi or Alabama in 1830, when this treaty was made? A Not that I know of.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi there at that time, Colonel William Ward, know that they wanted to stay there, become citizens of the States and take land? A Not that I know of, No, sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, between the years 1833 and 1838, when the main portion of the tribe moved out here? A Not that I know of.
- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir; none that ever I heard of.
- Q Do you know whether any of your Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the old Choctaw Nation in 1830? A No, sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent by the name of Colonel William Ward to register the names of such Choctaws as might desire to remain in Mississippi, become citizens of the States and take land. The records of the government show that Colonel Ward failed to register and report to the government the names of a great many of these Indians who did in fact let him know that they intended to stay there, become citizens and take land and on this account the government at its public land sales, in many instances, sold the land upon which Choctaws lived and owned improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great many complaints among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to the state of Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went

down to Mississippi and heard a great many of these Choctaw cases

- Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select, in place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government under this act of Congress? A I don't know that they ever did.
- Q So far as you know then none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No, sir; not that I know of.
- Q Do you know of any old persons living who would like know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir.
- Q You know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence to offer at this time in support of your application? A No, sir.
- Q Have you any witnesses here to-day to present in our behalf? A No, sir.

If you should find any witnesses whose testimony you desire to have taken they may appear before us at Muskogee, Indian Territory, at any time within fifteen days from this day and their testimony will be taken or if you should see fit to offer any written evidence such proper written evidence as may be offered within a period of fifteen days from this day will receive the consideration of the Commission in the determination of your application.

- Q Are there any further statements you desire to make in support of your application at this time? A No, sir.

Examination by attorney Harrison.

- Q How do you get your information as to your family history and tradition; where do you get it? A I get it through my parents, my brothers here, I don't know where they first got the first trace of it.
- Q Do you remember your grandmother? A My mother's mother?
- Q Yes? A Yes, sir.
- Q You ever have any conversation with her or ever know of her having any conversation with any one in your presence about her Indian blood or her claim as an Indian? A She never claimed it.
- Q Well your grandfather? A No, sir; I never saw him.

Grandfather he died before I was born.

- Q Your grandmother was Sarah Ann was it not? A Yes, sir.
 Q Did you ever have any conversation with your grandmother or hear her have a conversation with any one else about the Indian blood of your grandfather Starlin Carleton or Carleton Starlin?
 A No, sir; I don't recollect of any.
 Q What have you ever heard your mother say about it? A I heard her speak that she ought to have a claim or land that she never got, I heard her speak of that several times, in regard to never getting what belonged to her, that is about all I believe I recollect of hearing her say.
 Q What you know about your family history and tradition has been learned by conversation with your mother and other members of your family? A Yes, sir.

Examination by the Commission

- Q Where is this land that your mother said she ought to have claimed?
 A I don't recollect whether it was land but I suppose it was up there somewhere in Choctaw or Chickasaw.
 Q You never heard of your grandfather ever getting any land from the government? A No, sir.
 Q Have you any brothers living? A Yes, sir.
 Q How many? A I have four living.
 Q What are their names? A Allan Neal or A. M. Neal and Tolliver is my brother.
 Q Go ahead with the next one? A Jeff Neal and Calvin or Carleton.
 Q What are his initials? A W. C.
 Q What is that "W" for? A I suppose he puts it there for William.
 Q Have you a brother named Oliver L. Neal? A No, sir.
 Q But you have a brother names Tolliver L. Neal? A Yes,, sir.
 Q You know the names of Tolliver's children? A No, sir.
 Q What is his post office address, Tolliver's? A Center, I suppose.
 Q Is it not Beebe, Indian Territory? A Yes; that is it.
 Q What is the name of the wife of your brother Tolliver L. Neal?
 A They call her Joe, I never seen her but twice in my life.
 Q Is her full name Josephine? A I think that is its
 Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance of being a white man and shows no particular indications of being possessed of Indian blood. His hair is almost white-

- Q A It used to be perfectly black.

He has rather dark complexion, and blue eyes. he does not understand or speak the Choctaw language and has no knowledge of compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit C-

Reference is hereby made to M C R 5538, the principal applicant in said case and the principal applicant in this case being descendants of a common ancestor.

Pinkney G. Heal having been examined and recalled testifies as follows:

By attorney Harrison:

- Q You stated in your examination in chief that the name of your grandfather was Starlin Carleton or Carleton Starlin; did you mean to inform the Commission that was the full name of your grandfather, if not, state what his full name was? A The full name was? A The full name was Carleton Lindsay. If I did not give the Lindsay it was a mistake.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 20 day of August 1902.

Guy L. V. Emerson
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Pinkney G. Neal, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 6538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Telliver L. Neal, et al.,	M.C.R. 6539
Almer C. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6616
Mary Frances Neal,	M.C.R. 6617.

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Pinkney G. Neal for himself and his three minor children, Elenze
Hayden, David Oliver and Ira Jefferson Neal; by William Calvin Neal
for himself and his minor child, Louis G. Neal; by Allan M. Neal
for himself and his five minor children, Telliver M., Ella M., Rosa
E., Ira C. and Benjamin F. Neal; by Louisa Ann Elizabeth Jones for
herself; by Telliver L. Neal for himself and his six minor children,
Allen Hemer, Josie Isabel, Lucas L., Florence, Oxford and Etta R.

Neal; by Almer C. Marcum for herself and her minor child, Myrtle L. Marcum; by Alice Neal for her four minor children, Alfred Jeff Davis, Sarah E., Chary Elizabeth and James Thornton Neal; by Jeff Davis Neal for himself, his four minor children, Myrtle Elizabeth, Sydney Bruce, Ada Belle and John Byron Neal, and his four minor wards, Ula Case and Mark, Ruth and Ethel Massey; by John P. Neal for himself and his minor child, Laura Jane Neal; by Sallie B. McAnnally for herself, her eight minor children, Florence B., Effie E., Myrtle L., Johnnie G., Walter L., Mary M., Malinda A. and Bertha A. McAnnally, and her minor nephew, Allen H. West; and by Mary Frances Neal for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

While the evidence is clear as to the relationship of the several applicants herein, it is very unsatisfactory as to who are the ancestors through whom they claim rights as Mississippi Choctaws, and only by reason of the relationship shown can it be concluded that they are descendants of the same ancestors, the most remote of whom are the maternal grandparents of the principal applicant, Pinkney G. Neal. The name of this applicant's maternal grandfather is variously given as Starlin Carleton, Carleton Starlin, Calvin Lindsey, Starlin Carleton Lindsay, Calvin William and William Calvin; the name of his maternal grandmother is variously given as Sarah Elizabeth, Sarah Ann, Betsey, Sarah, Betay and Elizabeth Lindsay (or Lindsey). The applicants in M.C.R. 6107, 6083, 6106, 6444 and 6445 claim that the former was either an one-half or one-quarter blood Choctaw and that the latter was a white person,

while the applicants in M.C.R. 5538, 5539 and 6084 make the reverse claim. The applicants in M.C.R. 6112, 6612 and 6617 do not trace their ancestry as far back as the above named ancestors, simply tracing their descent to the daughter of said persons. In order that every possible right as Mississippi Choctaws which these applicants may be possessed of may be fully adjudicated, the above named persons will be considered as the Choctaw ancestors through whom the applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 381).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Starlin Carleton (or Carleton Starlin, or Calvin Lindsey, or Starlin Carleton Lindsey, or Calvin William, or William Calvin), or Sarah Elizabeth (or Sarah Ann, or Betsy, or Sarah, or Betsey, or Elizabeth) Lindsey (or Lindsey), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to

rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney O. Neal, Florence Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis O. Neal, Allan H. Neal, Telliver H. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Telliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer O. Marcus, Myrtle L. Marcus, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie O. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allen H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamo Dixby.
Chairman.

T. D. Needles.
COM.

J. S. Dr. Williams.
COM.

W. H. Stanley.
COM.

Muskogee, Indian Territory,

Nov 19 1892

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Pinkney G. Neal, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:-

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6106
Oliver L. Neal, et al.,	M.C.R. 5639
Almer C. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.	M.C.R. 6112

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Pinkney G. Neal, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Maroun, et al.,	M.C.R. 6084
Alfred Jeff Davis, Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6618
Mary Frances Neal,	M.C.R. 6617

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

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(Copy)

D.C. 23552-1902.

Center, I.T. December 4th, 1902.

To the Dawes Commission.

Dear Sirs:

Will drop you a line to inform you that Pinkny G. Neal who made application for Miss Choctaw citizenship or or about Aug. 25th, 1902, is dead, whome is a brother of mine; and also Binxman F. Neal one of my wives children that you will find on my application maid May 10th, 1902. I do this to assist you in regulating your record and would kindly ask you if you have reached any decision or considered my case, and whether there has bin enny evidence purdused in my case or not as I have and Attorney Implised for that business. Eny information regards the same will be gratley obliged.

Yours respectfully,

(Signed) Allen M. Neal,

Center, I.T.

Muskogee, Indian Territory, December 8, 1902.

Allen M. Neal,

Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst., in which you state that Pinkney G. Neal, who made application to the Commission for identification as a Mississippi Choctaw on July 26, 1902, has died. You ask to be advised the present status of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

In reply, you are advised that a copy of your letter has been filed with the record in the case of Pinkney G. Neal as proof of his death.

The Commission has not up to this time rendered a decision in your case, but is now considering your application, and it is probable a decision will be rendered in the near future when you will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

M C R 6107
M C R 6108

Muskogee, Indian Territory, January 6, 1903.

Klonzo E. Neal,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, advising the change in the post office addresses of yourself and Louise Ann Jones, of Center, Indian Territory. The same has been made a matter of record.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6107.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 19, 1903.

Elonzo H. Neal,
Center, Indian Territory.

Dear Sir:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6618
Mary Frances Neal,	M.C.R. 6617

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Elonzo H. Neal, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin P. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie M. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctawlands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Chairman.

Registered.

COPY:

Muskogee, Indian Territory, November 19, 1903.

Thomas A. Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

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Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Maroun, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6618
Mary Frances Neal,	M.C.R. 6617

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

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T & H --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney O. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and at the expiration of said time, the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Register.

James Kirby
Chairman.

M C R 6107.

COPY.

Muskogee, Indian Territory, November 19, 1903.

Manafield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
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Almer C. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6618
Mary Frances Neal,	M.C.R. 6617.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira O. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel

Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tama Dixie
Chairman.

COPY.

Muskogee, Indian Territory, December 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Pinkney G. Neal et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 19th, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Pinkney G. Neal et al.,	M.C.R. 6107
William Calvin Neal et al.,	" 6083
Allan M. Neal et al.,	" 5538
Louisa Ann Elizabeth Jones,	" 6108
Tolliver L. Neal et al.,	" 5539
Almer C. Marcum et al.,	" 6084
Alfred Jeff Davis Neal et al.,	" 6112
Jeff Davis Neal et al.,	" 6444
John P. Neal et al.,	" 6445
Sallie B. McAnnally et al.,	" 6618
Mary Frances Neal,	" 6617.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Through the
Commissioner of Indian Affairs.
2 enc. MCR 6107.

Tamo Dixie.
Chairman.

Muskogee, Indian Territory, December 29, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., the record therein, together with the decision of the Commission refusing the several applications included in this case, was, on December 17, 1903, transmitted to the Department.

The Commission is in receipt of a motion from Garrett, Bingham & Lester, attorneys at law, Tishomingo, Indian Territory, praying for a re-opening of this case for the purpose of offering further testimony in support thereof. Said motion is herewith enclosed.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McM 47

M C R 6107

Muskogee, Indian Territory, December 29, 1903.

Garrett, Bingham & Lester,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, enclosing motion to re-open the consolidated Mississippi Choctaw case of Pinkney G. Neal, et al., for the purpose of offering further testimony in support of this case. Said motion has this day been transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Land.
82,687-1903.

WASHINGTON, Jan. 21, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties:

Pinkney G. Neal for himself and his three minor children, Elonzo Hayden, David Oliver and Ira Jefferson Neal; by William Calvin Neal for himself and his minor child, Louis G. Neal; by Allan M. Neal for himself and his five minor children, Telliver M., Ella M., Rosa E., Ira G. and Benjamin F. Neal; by Louisa Ann Elizabeth Jones for herself; by Telliver L. Neal for himself and his six minor children, Allen Homer, Josie Isabel, Lucas L., Florence, Oxford and Etta RL Neal; by Almer C. Marcum for herself and her minor child, Myrtle L. Marcum; by Alice Neal for her four minor children, Alfred Jeff Davis, Sarah E., Chary Elizabeth and James Thornton Neal; by Jeff Davis Neal for himself, his four minor children, Myrtle Elizabeth, Sydney Bruce, Ada Belle and John Byron Neal, and his four minor wards,

Ula Case and Mark, Ruth and Ethel Massey; by John P. Neal for himself and his minor child, Laura Jane Neal; by Sallie B. McAnnally for herself, her eight minor children, Florence B., Effie E., Myrtle L., Johnnie C., Walter L., Mary M., Malinda A. and Bertha A. McAnnally, and her minor nephew, Allon H. West, and by Mary Frances Neal for herself, wherein a decision adverse to the applicants was rendered by the Commission November 19, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from the maternal grandparents of the principal applicant whose names are variously given as Starlin Carleton, Carleton Starlin, Calvin Lindsey, Starlin Carleton Lindsay, Calvin William and William Calvin; Sarah Elizabeth, Sarah Ann, Betsey, Sarah, Betsy and Elizabeth Lindsay (or Lindsey).

The statements of the different applicants in regard to these alleged ancestors are very confusing as some claim the name of their maternal grandfather and grandmother was one thing and some another.

In order that these applicants may have every possible right to which they are entitled, all of these names have been considered. The commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that

the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the alleged ancestors above given, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty. Neither does it appear that they applied to either of the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct and I concur in that finding, and recommend that it be approved.

Very respectfully,

A. C. Tonner,

C.T.C.) P.

Acting Commissioner.

(COPY)

D.C. 3915.

I.T.D. 624-1904.

L.R.S.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.W.H.

F.H.E.

Washington, January 28, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 17, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Pinkney G. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allen H. West and Mary Frances Neal, including your decision of November 19, 1903, refusing to identify them as such.

2.

It appears from the testimony given by these applicants, that they are descendants in the second, third, fourth and fifth degrees of a Choctaw Indian named Starlin Carleton Linsy. His name also appears as Carleton Starlin Lindsay. His wife was Sarah Elizabeth Lindsay, sometimes known as Betsey. The principal applicants were born and resided for a number of years in Mississippi, in that part of the state which was once a part of the old Choctaw Nation, which was the family home in 1830.

It does not appear from the testimony furnished by the applicants, or from the evidence contained in the report of the Indian Office relating to the case, that any of the ancestors named above ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830.

Reporting in the matter January 21, 1904, the Acting Commissioner of Indian Affairs recommends that your action rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

COPY
H.C.R. 6107

Muskogee, Indian Territory, February 17, 1904.

Elonso H. Neal,
Center, Indian Territory,

Dear Sir:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,

(SIGNED)

I. D. Needles,

Commissioner in Charge.

COPY, M.C.R. 6107

Muskogee, Indian Territory, February 17, 1904.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,

(SIGNED)

I. D. Needles.

Commissioner in Charge.

M.C.R. 6107
COPY.

Muskogee, Indian Territory, February 17, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by mail on the 19th day of November, 1903.

Respectfully,

SIGNED

T. D. Needles,

Commissioner in Charge.

No. 6107

For Identification as a Mississippi Choctaw.

Date JUL 26 1902

Name Pinkney G. Neal

Age 59 Blood 1/8

Post-Office, Chrisman, Tex

Father: Stephen Neal d

Mother: Sarah A. " d

Claims through mother
wife Sarah Jane Neal L

No claim for wife.

Self and 3 children

Children:

~~Elton~~

Elonzo H. Neal 18

David O. " 16

Ira J. " 12

Stenographer

C. Rosemire

Choctaw MCR 6108

Louisa Ann Elizabeth Jones

See MCR 6107

MCR 6108

Department of the Interior
Commission to the Five Civilized Tribes
Washoe, I.T. July 22, 1902.

4108

In the matter of the application for identification as a
Mississippi Choctaw of Louise Ann Elizabeth Jones.

Thomas & Harrison, attorneys for applicant. Appearance by
attorney W. H. Harrison.

Louise Ann Elizabeth Jones being first duly sworn testifies
as follows:

Examination by the Commission

- Q What is your name? A Jones.
Q Given name? A Louise Ann Elizabeth Jones.
Q I-o-u-i-s-a? A Yes, sir.
Q How old are you? A Forty-seven.
Q How much Choctaw blood have you? A One-eighth.
Q What is your post office address? A Beckdale, Texas.
Q What County? A Milan County.
Q How long have you lived in the state of Texas? A Twenty years,
along about twenty.
Q Where did you live before you came to Texas? A Choctaw County,
Mississippi.
Q All of your life? A Yes, sir, born and raised there.
Q Is your father living? A No, sir.
Q What was his name? A Stephen Neal.
Q Is your mother living? A No, sir.
Q What was her name? A Sarah Neal.
Q Through which one of your parents do you get your Choctaw blood?
Mother.
Q How long has your mother been dead? A About six years past.
Q How old was she when she died? A About seventy-three I think as
well as I can remember. We lost our family record.
Q Where was she born? A Choctaw or Chickasaw and I don't know.
Q What do you mean by Choctaw or Chickasaw? A Choctaw or Atalla
Mississippi.
Q Mississippi, Choctaw or Chickasaw County Mississippi? A Yes, sir
that is it, she was born in one of them.
Q You mean Choctaw or Chickasaw County in the state of Mississippi?
A Yes, sir.
Q She was born in either Choctaw or Chickasaw county Mississippi?
Yes, in one of them counties.
Q Did she live there all of her life until you removed to the
state of Texas about twenty years ago? A Yes, sir.
Q Through which one of her parents did your mother get her
Choctaw blood? A Her father.
Q What was his name? A Starlin Charleston Lindsay.
Q Are you sure that the name of your mother's father was Starlin
Charleston Lindsay? A Yes, as well as I can remember.

- Q That is your best recollection, is it? A That is my best remembrance.
- Q You never saw him? A No, sir.
- Q And you got that information as to his name from your mother? A Yes, sir.
- Q You know what your mother's mother's name was? A Elizabeth.
- Q Elizabeth? A Yes, sir.
- Q Your mother's maiden name was Lindsay? A Yes, sir.
- Q What was your mother's mother's maiden name? A Elizabeth.
- Q Elizabeth what? A Before she was married?
- Q Yes? A I don't know that.
- Q Well did she have any name besides Elizabeth; did you ever hear her called Sarah Elizabeth? A No, sir; I don't remember.
- Q Did your mother have a middle name; ever hear that her name was Sarah Ann? A No, sir; I don't remember.
- Q Do you know how much Choctaw blood this man Starlin Carleton Lindsay had? A No, sir I do not.
- Q Through which one of his parents did he get his Choctaw blood? A I don't know.
- Q Do you know the names of his father or mother? A No, sir.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I don't know.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q Has he any Choctaw blood? A No, sir.
- Q Then you make no claim for him? A No, sir.
- Q What is his name? A J. J. Jones—John Jefferson Jones.
- Q Have you any children living? A No, sir.
- Q Did you ever have any children? A One infant.
- Q Died in infancy? A Yes, sir.
- Q This application then is in your own behalf? A For me alone.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, I think not.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A I did not.
- Q Did you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the provisions of the act of Congress approved June 10, 1896? A I did not.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory, have you? A No, sir.
- Q Is this the first application of any description which has ever been made in your behalf for the purpose of establishing your right as a Choctaw Indian? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A What was that, I did not understand that.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

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This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27th, 1830, nearly seventy-two years ago. The treaty was made between the government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws lived in the state of Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them back there in Mississippi and Alabama out West of the Mississippi River, to a new country what is now known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who insisted on being permitted to remain back there what is known as the fourteenth article was put into the treaty. The fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back in Mississippi and Alabama, and not move out West to the New Nation, might receive land there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that fourteenth article now? A A I don't know that I do, that is very hard.
- Q I shall try to make it clear to you? A You mean if they remained and got government land they are not entitled to any or do you mean if they did not get any.

Now in case a Choctaw Indian who was living back there in the old Nation, seventy-two years ago, when this treaty was made, decided that he did not want to move out here but wanted to stay back there and become a citizen of the States he had the right to do so under that fourteenth article and he was entitled to select land there in Mississippi upon certain conditions and receive it from the government. First, he was required by the terms of this fourteenth article to let the agent of the government there in Mississippi in 1831, by the name of Colonel Ward know within six months from the time this treaty was ratified that he wanted to stay there, become a citizen of the states and take land, the treaty was ratified February 24, 1831. Now after he had so let this agent, Colonel William Ward, know that he wanted to stay there, become a citizen of the States and take land under article fourteen he was entitled to a reservation of one section of six hundred and forty acres of

land, back there in the old Nation, you understand, to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity or three-hundred and twenty acres of land for each unmarried child which was living with him at the time the treaty was made over ten years of age; and for each child in his family which was living with him at the time the treaty was made, September 27, 1830, who was under ten years of age, he was entitled to a quarter section or one-hundred and sixty acres of land. The reservations of these children were required by the terms of this fourteenth article to adjoin the location of the parents and the reservations made for Indians under this fourteenth article were required to include the improvement of the head of the family as it existed the day the treaty was made or a portion of that improvement. Now if these Indians lived on that land so reserved for them by the government under the fourteenth article, intending to become citizens of the States, for five years from February 24, 1831 or until February 24, 1836, they were entitled to a grant in fee simple for the land, that is the government would the Indians a deed or patent to the land and then the land would become the property of the Indians and they could dispose of it at their own pleasure. The last clause of the fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now the Choctaw annuity is money which becomes due each year to the Choctaws from the government of the United States under treaty provisions. That last clause simply means that if a Choctaw stayed back there in the old Nation in 1830, took land under the fourteenth article, he should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever moved out West here to this new Nation he would not be entitled to any portion of this annuity money."

- Q You understand the fourteenth article? A I don't think she got anything.
- Q Who? A My mother.
- Q Did any of your Choctaw ancestors--you know what ancestors means? A Yes, sir.
- Q ---comply or attempt to comply with the provisions of this fourteenth article or ever receive any benefits thereunder? A Not that I know of.
- Q Did any of them live in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A They have lived there ever since I can remember.
- Q You can't remember 1830? A No, sir.
- Q Did any of them live there at that time? A They lived there up to my furthest remembrance back.
- Q From what you have understood from your mother did your mother's father live in the old Choctaw Nation in Mississippi and Alabama in 1830, that was probably about the time of the birth of your mother? A Yes; my mother was born there, I heard her speak of it; her father died when she was three months old.
- Q When she was three months old? A Yes, I heard her say that.
- Q You know in what years she was born? A No, sir.
- Q You think your mother was, at the time of her death about six years ago, about the age of seventy-three years? A Yes, sir.

- Q And you say that her father died when she was about three months old? A Yes, I heard her say that.
- Q Then she was not living in the old Choctaw Nation in Mississippi or Alabama in 1830, was he but your mother was? A Yes, sir.
- Q Now do you know whether your mother or her mother at the time this treaty was made owned an improvement in what constituted the old nation in Mississippi and Alabama? A I don't know.
- Q Do you know whether any one in behalf of your mother let the agent of the government in Mississippi for the Choctaws know within six months from the time this treaty was ratified that it was her intention to remain in the old Nation, become a citizen of the states and take land under article fourteen? A I don't know.
- Q Did your mother ever claim or receive any land in Mississippi from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did she get any land from the government under that whole treaty? A If she did I don't know anything about it.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws who might desire to remain become citizens of the States and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold the land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek or did any one else so appear in their behalf? A Not that I know of.

An act of Congress approved on August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select, in the place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any of this scrip from the government of the United States under this act of Congress? A Not that I know of.
- Q So far as you know then none of your Choctaw ancestors ever received any benefits as Choctaw Indians? A If they ever did I don't know anything about it.
- Q You don't know whether any of your ancestors were recognized members of the tribe or not? A I don't know anything about it.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence to offer at this time in support of your application? A No, sir.
- Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at Muskogee, within fifteen days from this date and their testimony will be taken or if you see fit to offer any written evidence in support of this application such written evidence as you may offer within fifteen days from this date will receive the consideration of the Commission.

- Q Are there any further statements you desire to make at this time in support of your application? A No, sir.

It will be necessary in your case or in the case of one of the descendants of your mother's mother's father and mother that their marriage be proven.

- Q Your brother Pinkney G. Neal appeared before the Commission this morning has also been advised of this fact in case such evidence is offered by any one of the descendants of your mother's father and mother it will be considered in the case of all other descendants, who appear before the Commission.

Examination by attorney Harrison.

- Q You stated that your grandfather's name was Starlin Carleton Lindsay? A Yes, sir.
- Q Then he was known as Mr. Lindsay? A Yes, sir.
- Q You also stated that your grandmother's name was Sarah; do you know whether or not she was known by any other name than Sarah? Elizabeth? A No, sir; I don't know.
- Q If she was known by the name of Sarah Elizabeth you don't remember it? A No, sir; I don't remember it. Grandpa called her Betsey.
- Q You may state the name of your mother if you please? A Sarah was her name.
- Q Anything else besides Sarah? A Sir?
- Q Sarah what? A Sarah Lindsay.
- Q She had no other name? A I don't know.
- Q It was not Sarah Ann was it? A I don't know they always called her Sarah.

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- Q You stated to the Commission in your examination in chief that your grandfather died when your mother was but three months old? I stated it that way, I may be mistaken about that.
- Q Why do you think you were mistaken in that statement? A I don't know.
- Q Then if you made the statement that your grandfather died when your mother was three months of age you were mistaken in that were you? A Well I might be.
- Q Then at this time you don't undertake to say that that statement is true? A No, sir; I might be mistaken.

By the Commission.

- Q You are a full sister of Pinkney G. Neal who appeared here this morning are you? A Yes, sir.
- Q What relation are you to Allan M. Neal? A Full sister.

Reference is here made to Allan M. Neal, et al., M C R 5538 the principal applicant in said case and the applicant in this case being full brother and sister.

- Q You don't speak or understand the Choctaw language? A No, sir; I do not.

This applicant has the appearance of being a white woman; she shows no particular indications of being possessed of Indian blood; her hair is gray

- Q A My hair was just as black as it could be.

shows some traces of at onetime having been dark; she has dark complexion; blue eyes. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 20 day of August 1902.

G. Rosenwinkel
Wm. L. Emerson
Notary Public.

M C R 6107
M C R 6108

Muskogee, Indian Territory, January 6, 1903.

Wience B. Deal,
Center, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, advising the change in the post office addresses of yourself and Louise Ann Jones, of Center, Indian Territory. The same has been made a matter of record.

Respectfully,

Acting Chairman.

COPY!

M.C.R. 6106.

Waukegon, Indian Territory, November 19, 1903.

Louisa Ann Elizabeth Jones,
Center, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elizabeth Jones,	M.C.R. 6106
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer C. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6118
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6616
Mary Frances Neal,	M.C.R. 6617

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Louisa Ann Elizabeth Jones, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elonso Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin F. Neal, Louisa Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta R. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie B. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Little
Chairman.

Registered.

COPY, H.C.R. 6108

Muskogee, Indian Territory, February 17, 1904.

Louisa Ann Elizabeth Jones,

Center, Indian Territory,

Dear Madam:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,

(SIGNED)

I. D. Needles,

Commissioner in Charge.

No. 6108

For Identification as a Mississippi Choctaw.

Date JUL 26 1902

Name Louisa Ann Elizabeth Jones

Age 47 Blood 1/8

Post-Office Rockdale, Tex.

Father: Stephen Neal d

Mother: Sarah " d

Claims through mother.
husband
John Jefferson Jones L
No claim for husband.

Children:

Self only.

Stenographer

G. B. Rasmussen

Choctaw MCR 6109

Augustus A. Currey

MCR 6109

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Augustus Alexander
Currey for identification as a Mississippi Choctaw,

H.C.R. 6109.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Augustus Alexander Currey to the Dawes Commission for identi- fication as a Mississippi Choctaw-----	1
Decision of the Commission refusing the application of Augustus Alexander Currey for identification as a Mississippi Choctaw-----	7

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 26, 1908.

6108

In the matter of the application for identification as a
Mississippi Choctaw of Augustus Alexander Currey.

Thomas & Harrison attorneys for applicant. Appearance by
W. M. Harrison.

Augustus Alexander Currey being first duly sworn testifies as
follows:

Examination by the Commission

- Q What is your name? A Augustus Alexander Currey.
Q How old are you? A Sixty-six.
Q How much Choctaw blood have you? A Well my great grandmother
was one-eighth I reckon is what I am, that is what the calculation is.
Q What are you? A One-eighth I reckon.
Q What is your post office address? A Hookdale.
Q Texas? A Yes, sir.
Q How long have you lived in the state of Texas? A About twenty
years.
Q Where did you live before that? A Well sir I lived down here
at Reckey Comfort in Arkansas and I went from there to Louisiana.
Q How long did you live in Louisiana? A About four or five or
six years and went to Homer.
Q Where were you born? A In Mississippi.
Q What County? A Close to Liberty in Amite County.
Q How long did you live in the state of Mississippi? A It has
been a long time, I came from there in thirty-six.
Q Now you state you were about two or three years old when you
left there? A I was born in thirty-four and it was thirty-six.
Q If you were born in thirty-four you would be sixty-eight years
old now? A That is right, I will be sixty-eight in September--
the twenty-seventh.
Q Now you moved from Mississippi to Arkansas and from Arkansas to
Louisiana? A No, to Louisiana and then to Arkansas.
Q Then back to Louisiana and then to Texas? A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A J. G. Currey. - - - Jacob Gibson Currey.
Q Is your mother living? A No, sir.
Q What was her name? A Caroline.
Q Through which one of your parents do you get Choctaw blood? A
A My father.
Q How old would your father be if he were living now? A I don't
know about eighty-eight somewhere along there, near ninety I
expect.
Q You remember to year in which he was born? A No, sir; I don't
I have no record of it.

- Q Were you his oldest child? A No, sir; there were two older than me that are dead.
- Q Were they twins? A No, sir.
- Q Your father was married in what year? A Thirty-two I believe, I won't be certain, I have his marriage record.
- Q Now he must have been married before that if you will be sixty-eight in September next and you had two brothers older than you? A It may be thirty I have it at home.
- Q You know how old he was when he was married? A No, sir.
- Q How much Choctaw blood did your father have? A I don't know his mother was half I reckon.
- Q Your mother had no Choctaw blood? A No, sir.
- Q Your father's father had no Choctaw blood? A No, sir.
- Q That would make you one-eighth would it not? A Yes, sir.
- Q What was your father's mother's name? A I can't tell you.
- Q Did you ever hear her name? A Yes, I did but I can't tell you.
- Q She was a half blood Choctaw? A Yes, sir.
- Q Through which one of her parents did she get her Choctaw blood? A From her mother.
- Q What was her mother's name? A Fort I think.
- Q What other name did she have? A I don't know.
- Q Was that her maiden name? A No, married name.
- Q You don't know her given name? A No, sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Ever did which?
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I don't know sir whether he was or not.
- Q Are you married? A Yes, sir.
- Q Is your wife living? A Yes, sir.
- Q Have you been married more than once? A No, sir.
- Q Has she? A No, sir.
- Q What is your wife's name? A Lucinda.
- Q Has she any Choctaw blood? A No, sir.
- Q You make no claim for her then? A No, sir.
- Q Have you any children living who are under age and unmarried? A I have one not married; one boy, but he is not under age.
- Q Then this application is for yourself only? A Yes, sir.
- Q How many children have you living? A I have eight, four boys and four girls.
- Q What are their names? A You want them in rotation I reckon.
- Q As near as you can? A Benjamin A. Currey.
- Q Next one? A James E. Currey.
- Q Next one? A Jack W. Currey.
- Q Next one? A Dudley M. Currey.----
- Q Jack's middle initial is W.? A Yes, sir.
- Q Now the names of your girls; if they are married give their married names? A I will commence with the oldest--Caroline E. Opier.
- Q Next one? A Amanda Kyle.
- Q Next? A Mary O. McCoy.
- Q Next child? A Theodocia Cotton.
- Q Have you any children dead? A I have one that died when it was very small.
- Q Have any of your children been before the Commission? A No, sir.
- Q Were you married to their mother Lucinda under a license? A Yes, sir.
- Q Where? A Bluefield, Louisiana.
- Q When? A In 1857.
- Q Thirty-seven? A Fifty-seven I mean, the 19th day of March.

- Q You are living together still are you? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A I don't know sir--No.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
- Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No, sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights in the Choctaw Nation? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th of September 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation might receive land from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article? A I understand it; I lived right down there.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that fourteenth article or ever receive any benefits thereunder? A No, sir.

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- Q You are quite sure of that? A Yes, sir.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830, about four years before you were born, in fact just four years before you were born? A Yes, sir.
- Q What one of your Choctaw ancestors? A My father and grandfather and grandmother.
- Q Your father was the head of a family at that time? A Yes, sir.
- Q You know whether he owned an improvement there in the old nation at that time? A He did not.
- Q Where did he live at that time, in what county? A Close to Liberty and he lived some time around Woodville, Mississippi.
- Q In what county? A In Amite County.
- Q Do you know whether your father or many of his ancestors let the agent of the government there in Mississippi, in 1831, Colonel William Ward, know that they wanted to stay in Mississippi, become citizens of the states and take land? A I think some of them did.
- Q What one of them did? A I don't know what one.
- Q Did you ever hear of Colonel Ward before today? A Yes, sir.
- Q Do you know the name of any one of your ancestors who let this agent Colonel Ward know that he wanted to stay there and become a citizen? A I don't know, I heard grandmother speak about it but I paid very little attention to the names.
- Q You don't even remember your grandmother's name? A Yes, sir.
- Q What was it? A Mary.
- Q She was not a Choctaw? A She was a half.
- Q Did you not tell us that your father got his Choctaw blood from his father and not his mother? A From his mother.
- Q From Mary? A Mary was my grandmother's first name.
- Q Your father's mother was named Mary Curry, what was her maiden name--before your grandfather married her? A I don't know.
- Q Do you know whether any of your Choctaw ancestors ever claimed or received any land in the old Choctaw Nation in Mississippi or Alabama when this treaty was made? A I don't know but I think some of them did claim some land there.
- Q What one of them? A I don't know.
- Q Did you ever hear of any of them having received any land from the government down there? A I heard grandmother say something about it but I don't recollect it.
- Q You don't know whether any of them got any land from the government under this treaty or not? A No, sir; I don't for certain.

In accordance with the provision of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in Mississippi to register the names of such Choctaws as might desire to remain there, become citizens of the States and take land. The records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold the land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great many complaints among the Choctaw Indians and these complaints finally reached Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth

article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- Q You remember when these Commissioners were down in Mississippi? A No, sir.

An act of Congress approved on August 23, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in place of the land so sold by the government land some place else in Mississippi, or in Alabama, Louisiana or Arkansas from vacant government land and that a certificate should be given him to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A No, they did not get it, my father said they ought to get it but did not get it, he was making plenty money then.
- Q He made no attempt to get it? A No, sir; he was overseer.
- Q Do you know of any old persons who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir.
- Q You know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir.
- Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskogee within fifteen days from this day and their testimony will be taken or if you should see fit to offer any written evidence such written evidence as you may offer within a period of fifteen days from to day will receive the consideration of the Commission.

It will be necessary in connection with your application that the marriage of your father and mother be proven and you will be allowed a period of fifteen days to furnish evidence on this point.

- Q Are there any further statements you desire to make? A I don't know; my father and mother were married there it seems to me but they might have been married on the Louisiana line.
- Q Is there anything further you want to say? A No, sir.

#6

- Q Do you speak or understand the Choctaw language Mr. Currey?
A I cannot speak it, it has been so long, I used to trade in the nation and could speak some.
- Q Have you any brothers living? A No, sir.
- Q Did you ever have any brothers? A Yes, sir.
- Q How many? A There were ten of us, five brothers and five sisters.
- Q Did any of your brothers leave children? A Yes---No, sir, none that I know of, I have a sister with some.
- Q Just one of your sisters left children? A Yes, one of my sisters.
- Q How many of her children are living now? A Five or six.
- Q Tell us the names of as many of them as you remember? A Louis Raborn.
- Q Next one? A Webb Raborn.
- Q Next? A I don't know the names of the others.
- Q Have any of them been before the Commission? A No, sir.

Examination by attorney Harrison.

- Q Mr. Currey what is the name of your father's mother? A Mary.
- Q What was her maiden name? A Fort.
- Q What was the name of the husband of your grandmother Mary Currey? A Barney Currey.
- Q What was the name, if you know, of the parents of your grandfather Barney and your grandmother Mary? A Their name was Fort, --is all I knew about it; I don't know the given name.
- Q When you say you don't know his given name you refer to your great grandfather? A Yes; that is what I have reference to.
- Q Can you recall the name of your great grandmother? A No, sir.
- Q You stated in your examination in chief that none of your ancestors appeared before the agent for the purpose of establishing their rights; do you state that as a fact or that you do not know it to be a fact? A I just don't know it to be a fact I know they left there and came over to this side of the Mississippi River.
- Q Do you say now that they did not or that you do not know that they did not? A I don't know, but it is supposed that they did not or they would have stayed.

This applicant has the appearance of being a white man and shows no particular indications of being possessed of Indian blood; has rather dark hair; dark complexion; blue eyes. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 20 day of August 1902.

G. Rosenwinkel
Aug. 20, 1902
Notary Public.

W. L. L.
C. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Augustus Alexander Currey,
for identification as a Mississippi Choctaw, M.C.R. 6109.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
by Augustus Alexander Currey for himself, under the following pro-
vision of the act of Congress approved June 28, 1898 (30 Stats.,
498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that said applicant claims rights in the
Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of Mary (or Mary Currey, nee Fort), who is alleged to have been
an one-half blood Choctaw Indian, and to have resided in Mississippi

in eighteen hundred and thirty.

It is found that the name Mary appears on pages 40, 224, 626, 629, 683, 748, 749, 756, 767 and 764 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, and on pages 1127 and 1128 of Volume 2 of said record, in various lists, schedules and depositions. It also appears from the records in the possession of the Commission that one Mary received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek". There is nothing in the evidence submitted by the applicant which tends to show that the ancestor through whom he claims is identical with any of the Marys appearing in the records above cited.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary(or Mary Currey nee Fort) through whom this applicant claims, or an ancestor less

remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (8 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Augustus Alexander Gurrey as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

Tamm Birby.

Acting Chairman

(SIGNED)

I. B. Needles.

Commissioner

(SIGNED)

C. R. Treckinridge.

Commissioner

Muskogee, Indian Territory

JAN 6 1903

COPY/

M.O.R. 6109

Muskogee, Indian Territory, January 6, 1903.

AUGUSTUS A. CURREY,

Rockdale, Texas.

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Augustus Alexander Currey, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Augustus Alexander Currey as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

A. A. Currey,—2

office, and that at the expiration of said time the papers in the
case, together with such arguments will be forwarded to the Secre-
tary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Dixby.

RECEIVED.

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 6, 1903.

Thomas A. Harrison,

Attorneys at law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Augustus Alexander Gurrey, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Augustus Alexander Gurrey as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

Thomas & Harrison, --S

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECORDED

Yame Dixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Augustus Alexander Currey, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Augustus Alexander Currey as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. H. H. H.

W. H. H. H.
Acting Chairman.

Muskogee, Indian Territory, January 22, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Augustus Alexander Gurrey, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of January 8, 1908.

The Commission has the honor to report that the applicant herein, his attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

6

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enc. M.C.W. 6109.

Land
6024--1903

(Copy)

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

WASHINGTON, February 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaw of Augustus Alexander Currey, wherein a decision adverse to the applicant was rendered by the Commission on January 6, 1903.

An examination of the evidence in this case shows that the applicant claims identification by reason of his descent from----Fort, Mary Currey and Jacob Gibson Currey, who, it is alleged, were citizens of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The decision of the Commission rejecting this applicant is based on the ground that its records do not show that Mary (or Mary Currey nee Fort), or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been searched for the names of----Fort, Mary Currey and Jacob Gibson Currey, and they are not

-2-

found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting this applicant be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

E.B.H. H.r.

3 enclosures.

D.C.8437-1903
ITD.2276-1903
LRS.

(Copy)

EAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 22, 1903, you transmitted the record in the matter of the application for identification of Augustus Alexander Currey as a Mississippi Choctaw, including your decision of January 6, 1903, refusing the application.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of Mary (or Mary Currey, nee Fort), alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that the said Mary complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision and it is accordingly affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M C R 6109

COPY:

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Augustus Alexander Currey, of which decision you were advised by mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

Tamr Dixby.
Chairman.

M C R 6109

COPY:

Muskogee, Indian Territory, March 31, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Augustus Alexander Currey, of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

Tamc Bixby.
Chairman.

N O R 6109

COPY.

Muskogee, Indian Territory, March 31, 1903.

Augustus Alexander Gurrey,
Rockdale, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

No. 6109

For Identification as a Mississippi Choctaw.

JUL 26 1902

Date

Name Augustus A. Currey

Age ~~66~~ 67 Blood $\frac{1}{8}$

Post-Office, Rockdale, Texas

Father: Jacob G. Currey d

Mother: Caroline " d

Claims through father.
wife Lucinda Currey L
No claim for her.

Children:

Self only

Stenographer

G. Rosenwinkel

Choctaw MCR 6110

Callie Harney

See MCR 6060

MCR 6110

Department of the Interior
Commission to the Five Civilized Tribes.
Washoe, I.T. July 22, 1902.

6110

In the matter of the application for identification as Mississippi Choctaw of Callie Harney for herself and her two minor children, Elijah and Johnnie Harney.

S. Heard, attorney for applicants.

Callie Harney being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Callie Harney.
Q How do you spell that name? A H-a-r-n-e-y.
Q How old are you? A Twenty-seven.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q What is your post office address? A Phillips, Indian Territory.
Q What Nation? A Choctaw Nation.
Q How long have you lived in the Indian Territory? A Twenty-seven years.
Q Is your father living? A Yes, sir.
Q What is your father's name? A Nicholas Rays.
Q Is your mother living? A Yes, sir.
Q What is her name? A Susan Rays.
Q Through which one of your parents do you get your Choctaw blood?
A My mother.
Q Your mother appeared before this Commission on the 14th of this month? A She appeared here but I don't know what day of the month it was.
Q How many minor children has she living? A Two.
Q What are their names? A Simon and Perry.

Reference is hereby made to H C R 6060, Susan Rays, et al., the principal applicant in said case and the principal applicant in this case being mother and daughter.

- Q Through which one of your mother's parents did she get her Choctaw blood? A Her mother.
Q What was her name? A Rachel Salisy.
Q How old would Rachel be if living now? A I don't know.
Q When did she die? A I don't know when she died.
Q Before you were born? A No it was after I was born.
Q About how old were you when she died? A I don't know.
Q Through which one of her parents did Rachel get her Choctaw blood? A Her mother.
Q What was her name? A Sally or Mallie Thomas.
Q Was Thomas her maiden name? A Yes, sir.
Q What was her married name? A Hopkins.
Q Where was she born? A I don't know.

- Q You know where she lived during her life time? A In Mississippi I think.
- Q You know in what part? A I do not.
- Q You know how long she lived there? A No, sir.
- Q Was she living in 1830? A I don't know that.
- Q How much Choctaw blood did she have? A Half breed.
- Q You know the names of her parents? A No, sir; I do not.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A A I don't know.
- Q You married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q What is his name? A Patrick Harney.
- Q He is not a Choctaw? A No, sir.
- Q You make no claim for him? A No, sir.
- Q Have you any children living? A I have two.
- Q What are their names and ages, the eldest first? A Elijah Harney.
- Q How old? A Six years old.
- Q Next one? A Johnnie.
- Q Boy or girl? A Boy.
- Q How old is he? A Two years old.
- Q These children both living with you at this time? A Yes, sir.
- Q Are they both the children of you self and Patrick Harney? A Yes, sir.
- Q This application is for yourself and two children? A Yes, sir.
- Q Is your name or the name of your oldest child on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself and your oldest child to be admitted or enrolled as members of that tribe? A No, sir.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself and your oldest child under the act of Congress approved June 10, 1896? A No, sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Neither has your oldest child? A No, sir.
- Q Has any application of any description ever been made before to-day in your behalf or in behalf of this minor child Elijah for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27th, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the country then occupied by them in Mississippi and Alabama to a new country West of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this

treaty was made some of these Indians were unwilling to leave the old nation and for the benefit of those who insisted upon being permitted to remain there what is known as the fourteenth article was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that fourteenth article? A Yes, I believe I do.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? I don't know.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of them own an improvement there at that time? A I don't know.
- Q Did any of them remove to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, take land and become citizens? A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q You don't know whether any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830 or not do you? A No, sir; I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi whose name was William Ward to register the names of such Choctaws as might desire to remain in Mississippi, become citizens of the States and take land under article fourteen. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold the land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty.

This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1845 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their right under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q The act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select, in the place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas from vacant government land and that a certificate should be given him to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I don't know.

Q If any of your ancestors then ever received any benefits whatever as Choctaw Indians you have no knowledge of that fact? A No, sir.

Q You know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir; I do not.

Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir.

Q Any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskogee within a period of fifteen days from this day and their testimony will be taken or if you should discover any written evidence that you may desire to submit to the Commission such proper written evidence as may be offered within a period of fifteen days from to day will receive the consideration of the Commission.

Q Are there any further statements you desire to make at this time in support of this application? A No, sir.

Q You don't speak or understand the Choctaw language? A No, sir.

This applicant has the appearance of being a white woman; she shows no indications of being possessed of Indian blood; her

hair is rather inclined to be light, she has rather fair complexion; blue eyes. She does not speak or understand the Cheyenne language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 20 day of August 1902.

G. L. V. Emerson
Notary Public.

COPY.

M.C.R. 6110

Muskogee, Indian Territory, February 3, 1903.

Callie Harney,

Phillips, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Edmond, et al.	M.C.R. 6082
Charles H. Hulsey	M.C.R. 6081
John Enloe, et al.	M.C.R. 6063
Sam B. Enloe	M.C.R. 6087
Carrie Searey, et al.	M.C.R. 6345

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Callie Harney, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry N. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Emmond, Alice Emmond, Carrie Emmond, Charles H. Hulsey, John Hulce, Franklin B. Hulce, Sam B. Hulce, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

1681 G

Tams Dixby

Acting Chairman.

Registered.

M C R 6110

COPY.

Muskogee, Indian Territory, July 17, 1903.

Callie Harney,

Phillips, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

JUL 28 1902

Name

Callie Harney

Age

27

Blood

1/16

Post-Office,

Phillips, I. T.

Father:

Nicholas Bays L

Mother:

Susan " L

Claims through

mother.

Husband Patrick Harney L

No claim for husband.

Children:

Elijah

Harney

6

Johnnie

"

M

2

Self and 2 children

Choctaw MCR 6111

Elijah Bays

See MCR 6060

MCR 6111

Department of the Interior
Commission to the Five Civilized Tribes
Kawwagee, I.T. July 23, 1903.

6111

In the matter of the application for identification as a Mississippi Choctaw of Elijah Bays.

S. Heard attorney for applicant.

Elijah Bays being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Elijah Bays.
Q How old are you? A Twenty-nine.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Lehigh.
Q How long have you lived in Indian Territory? A Well it has been most of my life.
Q Born in the Territory? A No, I was born in Arkansas and came here when I was small.
Q Is your father living? A Yes, sir.
Q What is his name? A Nicholas Bays.
Q Is your mother living? A Yes, sir.
Q What is her name? A Susie Bays.
Q Sisie or Susan? A Susan.
Q Through which one of your parents do you get Choctaw blood? A Mother.
Q Did your mother appear before this Commission and make application for the identification of herself and two minor children as Mississippi Choctaws? A Yes, sir.

Reference is here made to M C R 6060, Susan Bays, et al., the principal applicant in said case being the mother of the principal applicant in this case.

- Q Through which one of her parents did your mother get her Choctaw blood? A Her mother.
Q What was her mother's name? A Rachel Hulsey.
Q How old would she be if living now? A I could not tell you.
Q Have you any idea? A No, sir, I have no idea.
Q Through which one of her parents did Rachel get her Choctaw blood? A Her mother.
Q What was her name? A Fannie Thompson.
Q Thompson? A Fannie.
Q Was that her maiden name or married name? A Her maiden name.
Q What was her married name? A Her married name was Hopkins.
Q Do you know where Fannie was born? A No, sir.
Q Where did she live during the greater part of her life? A I don't know that only what my mother told me and she never told me about it.

#

- Q She never told you about it? A No, sir.
 Q Do you know where Rachel was born? A No, sir; I do not.
 Q Do you know where she lived during the greater portion of your life? A No, sir.
 Q Where was your mother born? A I could not tell you that.
 Q Was your mother ever recognised in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No, sir.
 Q Are you married? A No, sir.
 Q This application is for yourself alone then? A Yes, sir.
 Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your right as a Choctaw Indian? A No, sir.
 Q Then you have never been admitted to citizenship in the Choctaw Nation by the tribal authorities or the United States authorities? A No, sir.
 Q Your name is not upon any of the Choctaw tribal rolls? A No, sir.
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek; is that what you are here for? A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27th 1830 between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of these Indians from the Country occupied by them in the states of Mississippi and Alabama to a new country West of the Mississippi River a part of which is now occupied by the main portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave the old Nation and for the benefit of those who insisted on being permitted to remain there what is known as the fourteenth article was put into the treaty. The fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Nation and not move out west to the new country might remain there and receive land from the government. It is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantitt for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; do you think you understand it?
A No, sir; I could not understand it.

Well in case a Choctaw who might have been living back in the old Choctaw Nation in Mississippi and Alabama in the year 1830 about seventy-two years ago when this treaty was made decided that he wanted to stay back there and not move out here to the new Nation with the rest of the Indians he had the right to do so and under article fourteen he was entitled to receive land back there in Mississippi from the government under certain conditions; first, he was required to, within six months from the ratification of the treaty of Dancing Rabbit Creek, let the agent of the government know that he wanted to stay back there, take land and become a citizen of the States. After he had so notified this agent of the government of his intention to remain there, become a citizen of the States and take land, he was entitled to a reservation of one section of six hundred and forty acres of land and for each child which he might have had living with him he was entitled to one-half section, that is for each child unmarried and over ten years of age and for each child living with him under ten years of age he was entitled to one-quarter section or one hundred and sixty acres. The reservations of these children were required in each instance to adjoin the location of the parents and reservations made for Indians under this fourteenth article were required in each and every instance to include the improvement of the head of the family as it existed on the 27th day of September 1830, the day the treaty was ratified or a portion of such improvement. Now if these Indians lived upon the land so reserved for them for a period of five years from February 24th 1831, that is the day the treaty was ratified, they were entitled to a grant in fee simple to the land, that is the government would give them a deed or patent to the land and it would become their property to dispose of at their own pleasure. The concluding clause of that fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is, if an Indian stayed back there in Mississippi and Alabama, in the old Nation, in 1830, and did not move out West but take land back there, he should not by reason of his having done so lose the privilege of a Choctaw citizen but if he ever decided to leave there and move out West to the new Nation he was not entitled to any portion of the Choctaw annuity. Choctaw annuity is money which becomes due each year to the Choctaw Indians from the government of the United States under treaty provisions.

- Q Now, you understand that fourteenth article? A Yes, sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A Not that I know of.
Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
Q Did any of them own an improvement there at that time? A A I don't know.

- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi or Alabama in the old Choctaw Nation, take land there and become citizens of the States? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of them ever claim or receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know whether they did or not.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Indians as might desire to remain there, become citizens of the States and take land. The records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold the land upon which the Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1845 providing for the appointment of Commissioners whose duty it should be to go to Mississippi and hear the claims of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been taken from them and sold by the government. These Commissioners were duly appointed by the President and went to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors ever appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I could not tell you.

An act of Congress approved August 23rd 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been taken from him and sold by the government he should be entitled to select land in the place of the land so taken from him by the government some place else in Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress? A No, sir.
- Q You are sure of that? A Not that I knew of.
- Q So far as you know then none of your ancestors ever received any benefits as Choctaws? A No, sir; not that I knew of.

- Q You know whether any of them were recognized members of the tribe in 1830? A No, sir; not that I know of.
- Q You know of any old person who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir; I do not.
- Q You know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir; I do not.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir I have not.
- Q Have you any witnesses here to day to testify in your behalf? A I have no witnesses here to day?

Q If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from this day and their testimony will be taken or if you should find any written evidence which you desire to offer in support of this application such proper written evidence as may be offered within fifteen days from to day will receive the consideration of the Commission.

- Q You have you further statements that you desire to make in support of your application? A No, sir.
- Q You don't speak or understand the Choctaw language? A No, sir.

This applicant has the appearance of being a white man and shows no indications of being possessed of Indian blood; he does not speak or understand the Choctaw language and has no knowledge of complaints on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. He has very light complexion; light mustache and blue eyes.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Subscribed and sworn to before me this 26 day of August 1902.

B. Jones
Notary Public.

COPY.

M.C.R. 6111

Muskogee, Indian Territory, February 3, 1903.

Elijah Bays,

Lehigh, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Esmond, et al.	M.C.R. 6062
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam E. Enloe	M.C.R. 6087
Carrie Searcy, et al.	M.C.R. 6345

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Elijah Bays, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry H. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johanna Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Esmond, Alice Esmond, Carrie Esmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Dierby

Acting Chairman.

Registered.

Muskogee, Indian Territory, July 17, 1903.

Elijah Bays,

Lehigh, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

"

No.

6111

For Identification as a Mississippi Choctaw.

Date

JUL 28 1902

Name

Elijah Bays

Age

29

Blood

$\frac{1}{16}$

Post-Office,

Lehigh, S. T.

Father:

Nicholas Bays L

Mother:

Susan " L

Claims through

mother.

Children:

See entry.

G. Rosenwinkle

Chodtaw MCR 6112

Alfred Jeff Davis Neal
by
Alice Neal

See MCR 6107

MCR 6112

Department of the Interior
Commission to the Five Civilized Tribes
Muskegee, I.T. July 28, 1902.

6112

In the matter of the application of Alice Neal for the identification as Mississippi Choctaws of her four minor children, Alfred Jeff Davis, Sarah E., Chary Elizabeth and James Thornton Neal.

Thomas & Harrison, attorneys for applicants. Appearance by W. H. Harrison.

Alice Neal being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Alice Neal.
Q How old are you? A Twenty-five.
Q How much Choctaw blood have you? A I have not got any. I appear here at this time for the purpose of making application for the identification of four minor children, the father of these children having had Choctaw blood.
Q What is your post office address? A Reakdale, Texas.
Q How long have you lived in the state of Texas? A All my life.
Q You make no application for your own behalf at all? A No, sir, for my children.
Q What are the names of these children? A Alfred Jeff Davis.
Q How old? A Seven.
Q Next one? A Sarah E--five.
Q Next one? A Chary Elizabeth.
Q How old? A Three.
Q Next one? A James Thornton.
Q How old? A One.
Q Are these children all living with you at this time? A Yes, sir.
Q What is the name of their father? A Sidney Johnson Neal.
Q How much Choctaw blood did he have? A One-eighth I believe, was it not.
Q You think an eighth? A Yes, sir.
Q Now you gave the name of the first child as Alfred Jeff Davis, you mean Alfred Jeff Davis Neal? A Yes, sir.
Q When did Sidney J. Neal die? A The 25th of February.
Q This year? A Yes, sir.
Q How old was he when he died? A I believe he was thirty.
Q Where was he born? A Mississippi.
Q What County? A I can't tell you that.
Q How long did he live there? A Until he was eighteen as well as I remember.
Q Where did he go from the state of Mississippi? A To Texas.
Q Lived there until his death? A Yes, sir.
Q Through which one of his parents did he get his Choctaw blood? A His mother.
Q Is she living? A No, sir.
Q What was her name? A Sarah A. Lindsay.
Q Her married name was Neal? A Yes, sir.
Q When did she die? A I cannot tell you.

- Q You know how old she would be if living today? A No, sir.
 Q You know where she was born? A No, sir; I don't know that.
 Q You know how long she lived in the state of Mississippi? A No, sir.
 Q You know through which one of her parents she got her Chectaw blood? A No, sir; I don't believe I do.
 Q You know the names of her parents? A I ought to but I have forgotten them.
 Q You know the names of her grandparents? A No, sir.
 Q Were you lawfully married to Sidney J. Neal? A Yes, sir.
 Q Where? A Caldwell, Texas.
 Q When? A the 15th of March 1894.
 Q Have you any evidence of your marriage with you at this time? A Yes, sir.

Certified copy of the marriage license and certificate of S. J. Neal and Alice Oliphant offered in evidence, identified as exhibit "A" and made a part of the record in this case.

- Q Is S. J. Neal referred to in this marriage license the father of your children? A Yes, sir.
 Q Are you the Alice Oliphant referred to in this marriage license? A Yes, sir.
 Q Was Sidney J. Neal ever recognized in any manner or enrolled as a member of the Chectaw tribe of Indians in Indian Territory? A Sir?
 Q Was Sidney J. Neal ever recognized in any manner or enrolled as a member of the Chectaw tribe of Indians in Indian Territory? A No, sir; he never was enrolled.
 Q You don't know whether he was ever recognized as a member of the tribe? A No, sir.
 Q Was his mother ever recognized in any manner or enrolled as a member of the Chectaw tribe of Indians? A I don't know that.
 Q Is the name of any one of your children to be found upon any of the Chectaw tribal rolls in Indian Territory? A I don't know.
 Q Did any one ever make application to the Chectaw tribal authorities in behalf of any one of your children for the purpose of establishing their rights as Chectaw Indians? A No, sir.
 Q Did you or did any one for you in the year 1894 make application to this Commission in behalf of your eldest child for the purpose of establishing his right as a Chectaw Indian under the act of Congress approved June 10, 1896? A No, sir.
 Q Then none of your children have ever been admitted to citizenship in the Chectaw Nation by the tribal authorities of the Chectaw Nation, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
 Q Has any application of any description ever been made before to day in behalf of any one of these children for the purpose of establishing their rights as Chectaw Indians? A Not for my children.
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Chectaw lands in Indian Territory for yourself and four minor children under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on September 27, 1830, between the government of the United States and the Chectaw tribe of Indians. At the time this treaty was made the Chectaws were living in the state of Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the

removal of these Indians from the country they occupied in Mississippi and Alabama to a new country West of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. The fourteenth article provides that upon certain conditions a Choctaw who wanted to remain back there in the old Nation might receive land from the government. It is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; you think you understand the fourteenth article? A No, sir; I don't expect I do.

In case a Choctaw Indian who might have been living back in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made, that is about seventy-two years ago, decided that he wanted to stay in the old Choctaw Nation and become a citizen of the States, he was entitled to let the agent which the government had there in 1831 by the name of Colonel William Ward, know within six months from February 24, 1831, which was the day the treaty was ratified, that he wanted to stay there, become a citizen of the States and take land. After he had so notified the agent of his intention to remain there and become a citizen of the States and take land he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner he was entitled to one-half that quantity for each unmarried child which was living with him over ten years of age when the treaty was made; and for each child which was living with him under ten years of age when the treaty was made he was entitled to a quarter section of land. The reservations of these children were required to adjoin the location of the parents and reservations so made under this fourteenth article were required in each and every instance to include the improvement of the head of the family as it existed on the 27th day of September 1830, the time this treaty was entered into. Now if these Indians lived on this land so reserved for them for a period of five years from February 24, 1831, they were entitled to a grant in fee simple to the land, that is the government would give them a deed or patent to the land and it would become the property of the Indians and they could dispose of it at their

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own pleasure. The concluding clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is if they stayed back there in the old Nation along in 1830 and 1831, took land there under this fourteenth article they did not by reason of their having done so lose the privilege of Choctaw citizens but if they ever moved to the new Nation they were not to be entitled to any portion of the Choctaw annuity. Annuity is money which becomes due each year to the Indians from the United States government under treaty provisions.

- Q You understand article fourteen now? A Yes, sir.
- Q Did any of the ancestors of these minor children of yours ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A No, sir.
- Q Do you know for certain about that whether they did or not; did any of them ever comply with that treaty provision, seventy two years ago? A I don't know.
- Q Did any of the ancestors of these children live in that old Choctaw Nation there in Mississippi in 1830 seventy-two years ago when this treaty was made? A I don't know.
- Q Did any of them own an improvement there at that time? A I don't know.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the Agent of the government know that they wanted to stay in Mississippi, become citizens of the States and take land? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between 1833 and 1838? A I don't know that.
- Q Did any of them ever claim or receive any land in Mississippi from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q You know whether any of the ancestors of these children were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A No, sir.
- Q In

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there, become citizens and take land. The records of the government show that this agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales sold the land in many instances upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1845 providing for the appointment

of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

- Q Did any of the Choctaw ancestors of these children appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No, I do not.

An act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select, in the place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant government land and that he be given a certificate to that effect. These certificates were called scrip.

- Q Did any of the ancestors of these children ever receive any scrip from the United States government under this act of Congress? A Not that I know of.
- Q So far as you know then none of the ancestors of these minor children for whom you now make application ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits whatever as Choctaw Indians? A Not that I know of.
- Q You know of any old person living who would likely know whether any of the ancestors of these children ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir; I don't know.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir.
- Q Have you any witnesses here to day to testify in your case? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a period of fifteen days from this day and their testimony will be taken or if you should find any written evidence that you desire to offer in support of this application the same will be received for the consideration of the Commission within a period of fifteen days from this date.

- Q Are there any further statements that you desire to make at this time in support of this application? A No, sir.
- Q What relation, if any, was your deceased husband to Pinkney G. Neal? A He was a full brother.
- Q Was your husband any relation to Louisa A. Jones? A Yes, sir.
- Q What? A A full brother.

#6

Reference is here made to N C H 6107, Pinkney G. Neal, et al., the principal applicant in said case being a full brother of the deceased father of the minor applicants in this cause.

Examination by attorney Harrison.

- Q What is the name of your husband's mother? A Sarah A. Lindsay, was her maiden name and Sarah A. Neal was her married name.
Q What was the name of the father, if you know, of Sarah A. Neal who was a Lindsay? A I don't know.
Q You would know the name if you heard it called? A No, sir, I don't know but I reckon I heard it called but I never paid any attention to it.

By the Commission.

The applicant is a white woman of average intelligence.

C. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

C. Rosenwinkel

Subscribed and sworn to before me this 21 day of August 1902.

B. C. Jones
Notary Public.

COPY:

M.C.R. 6112

Muskogee, Indian Territory, November 19, 1903.

Alice Neal,

Rockdale, Texas.

Dear Madam:

You are hereby advised that on the 19th day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pinkney G. Neal, et al., embracing the following applications for identification as Mississippi Choctaws:

Pinkney G. Neal, et al.,	M.C.R. 6107
William Calvin Neal, et al.,	M.C.R. 6083
Allan M. Neal, et al.,	M.C.R. 5538
Louisa Ann Elisabeth Jones,	M.C.R. 6108
Tolliver L. Neal, et al.,	M.C.R. 5539
Almer G. Marcum, et al.,	M.C.R. 6084
Alfred Jeff Davis Neal, et al.,	M.C.R. 6112
Jeff Davis Neal, et al.,	M.C.R. 6444
John P. Neal, et al.,	M.C.R. 6445
Sallie B. McAnnally, et al.,	M.C.R. 6616
Mary Frances Neal,	M.C.R. 6617

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Alice Neal, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pinkney G. Neal, Elonzo Hayden Neal, David Oliver Neal, Ira Jefferson Neal, William Calvin Neal, Louis G. Neal, Allan M. Neal, Tolliver M. Neal, Ella M. Neal, Rosa E. Neal, Ira C. Neal, Benjamin P. Neal, Louise Ann Elizabeth Jones, Tolliver L. Neal, Allen Homer Neal, Josie Isabel Neal, Lucas L. Neal, Florence Neal, Oxford Neal, Etta E. Neal, Almer C. Marcum, Myrtle L. Marcum, Alfred Jeff Davis Neal, Sarah E. Neal, Chary Elizabeth Neal, James Thornton Neal, Jeff Davis Neal, Myrtle Elizabeth Neal, Sydney Bruce Neal, Ada Belle Neal, John Byron Neal, Ula Case, Mark Massey, Ruth Massey, Ethel Massey, John P. Neal, Laura Jane Neal, Sallie B. McAnnally, Florence B. McAnnally, Effie E. McAnnally, Myrtle L. McAnnally, Johnnie C. McAnnally, Walter L. McAnnally, Mary M. McAnnally, Malinda A. McAnnally, Bertha A. McAnnally, Allon H. West and Mary Frances Neal, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

123

Wm. D. Duff
Chairman.

Registered.

M.C.B. 6112.

COPY.

Muskogee, Indian Territory, February 17, 1904.

J. C. Little,

Attorney at Law,

Roff, Indian Territory,

Dear Sir:

You are hereby advised that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al.

Respectfully,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R. 6112

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES. Muskogee, Indian Territory, February 17, 1904.

Alice Neal,

Rockdale, Texas,

Dear Madam:

You are hereby notified that on the 28th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pinkney G. Neal et al., of which decision you were advised by registered mail on the 19th day of November, 1903.

Respectfully,



Commissioner in Charge.

Date _____

JUL 28 1902

Name _____

Name *Alice Neal*
for 4 minor children
Age *25* Blood

Age of

Blood

Post-Office

Post-Office, Rockdale, Texas

Father:

Mother:

Claims through

Children:

Alfred Jeff Davis	Neal	1/2	7
Sarah E.	-	"	5
Charry E.	-	"	3
James T.	-	"	1
Father Sidney J.	Neal	"	(1/8)

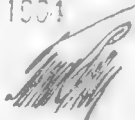
Photographer

G. B. Bunker

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 15 1904



CHIEFMAN



6112

General Office

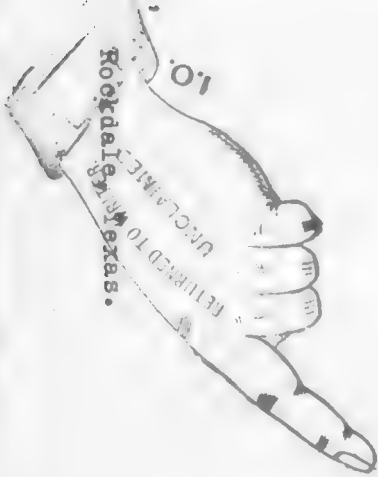
M. C. R.

File

A advising that the Secretary of the Interior has affirmed Commission's decision, refusing application for identification as Mississippi Choctaws.

Adice Neal,

Rockdale, Texas.



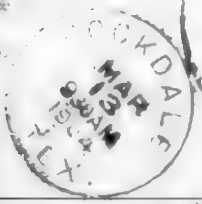
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS.

Penalty for Private Use, \$



Choctaw MCR 6113

Alexander Dumas

See MCR 4006

MCR 6113

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 28, 1902.

6113

In the matter of the application for identification as Mississippi Choctaw of Alexander Dumas for himself, his two minor children Dixie M., and Melville Sidney Dumas and for his minor brother Charles Y. Dumas.

J. G. Halls, attorney for applicant.

Alexander Dumas being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Alexander Dumas.
Q How old are you Mr. Dumas? A Twenty-seven.
Q How much Choctaw blood have you? A One-thirty-second.
Q What is your post office address? A Vance, Mississippi.
Q How long have you lived in Mississippi? A Why I was born there but I have only resided there now since I have been of age; about three-and a half years.
Q In what County were you born? A Barber, in Seventy-five.
Q Is your father living? A No, sir.
Q What was his name? A Melville V. Dumas.
Q Is your mother living? A Yes, sir.
Q What is her name? A Mary A. Dumas.
Q Through which one of your parents do you get your Choctaw blood? From my father's side.
Q When did your father die? A In Ninety-five.
Q How old was he when he died? A Sixty-three years old.
Q You remember the month in which he was born? A He was born it was in December 31, 1832.
Q Did he have any brothers and sisters older than he? A No, sir he was the oldest one of the family.
Q Through which one of his parents did he get his Choctaw blood? His mother.
Q What was her mother's name? A Elizabeth Brashear.
Q Through which one of your father's parents did he get his Choctaw blood? A I don't know.
Q Do you know the names of your father's parents? A His father was Winchester Dumas and I don't remember his mother's name.
Q You remember her given name? A No, sir.
Q Do you know when your father's father and mother were married? A My grandfather?
Q Yes; your father's father and mother? A No, sir; I could not tell you, my father was the oldest son, he was born in 1832.
Q You say your father's grandmother had Choctaw blood? A Yes, sir.
Q What was her name? A Elizabeth Brashear.
Q Was that her married name? A No, sir; before she was married.
Q What was her married name? A Her married name was Dumas, after she married M. V. Dumas.
Q M. V. Dumas was your father's grandfather? A Yes, sir.
Q Then your father got his Choctaw blood from his father? A Yes, sir; he must have got it.
Q How do you spell that name Brashear? A I believe it is B-r-a-s-h-e-a-r-I am not positive about that.

- Q Where was your father born? A I am not positive I think he was born in Alabama.
- Q You know the County? A Lafayette County, that is the best of my recollection.
- Q How long did he live in the state of Alabama? A I have no idea.
- Q Where did he move to from Alabama? A I think it was Mississippi must have been, I know he did reside in Mississippi a long time.
- Q Where was his father born? A I could not answer that, I think probably in South Carolina.
- Q You know how long he lived there? A No, sir; I do not.
- Q You know how old he was when your father was born? A No, sir.
- Q You know the difference between their ages? A No, sir.
- Q Had he been married before he married your father's mother? A Not that I know of, I don't think he had but he might have been.
- Q Where was he living in 1830, A My father?
- Q Your father's father? A I could not be positive.
- Q Have you any idea? A My father's father I have, in Mississippi. I know he did reside in Mississippi.
- Q You say your father was born in Alabama, that was two years before your father was born? A Well I could not be positive; he might have resided in Mississippi or in Alabama.
- Q You know where Elizabeth Brashear was born? A No, sir; I do not.
- Q Don't know where she lived in 1830? A No, sir.
- Q Did she have any brothers or sisters? I don't know.
- Q You know the names of her parents? A No, sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A I don't know sir.
- Q Are you married? A Yes, sir.
- Q Your wife living? A Yes, sir.
- Q What is her name? A Mary.
- Q Has she any Choctaw blood? A No, sir.
- Q You make no claim for her? A No, sir.
- Q Have you any children? A Two.
- Q What are their names and ages, the oldest first? A I have a boy named Melville Sidney.
- Q How old is he? A Eleven months old in July.
- Q What is the name of the other child? A Dixie M.
- Q Boy or girl? A Girl.
- Q How old? A Four years in June.
- Q Are the children living with you at this time? A Yes, sir.
- Q They are the children of yourself and Mary Dumas? A Yes, sir.
- Q Have you been married more than once? A No, sir.
- Q Has she? A No, sir.
- Q This application then is for yourself and two minor children? A Yes;--I also desire to make application for a minor brother who is living with me.
- Q Were you married to your wife Mary under a license? A Yes, sir.
- Q When? A We was married in June 1895.
- Q Where? A We were married at Bald Knob Arkansas but the license was issued at Searcy.
- Q Have you your marriage license and certificate with you? A No, Sir.

It will be necessary for you to furnish evidence of your marriage to your wife Mary and you will be allowed fifteen days from this date to furnish that.

- Q What is the name of this minor brother that you want to make application for? A Charles I.
- Q How old is he? A He was born Christmas, I don't know whether he is nineteen or twenty.
- Q You think he is over nineteen or twenty? A Yes, sir.
- Q How long has he been living with you? A In the neighborhood of three years.
- Q Has he any lawfully appointed guardian? A No, sir; I act as guardian for him.
- Q Is he your full brother? A Yes, sir.
- Q Have you any written authority to appear before the Commission in his behalf? A No, sir.
- Q Were you requested verbally by him to appear for him? A Yes, sir; he requested me several times to be sure and register for him.
- Q He is not married? A No, sir; he is single. He is really disabled at present to come if he wanted to.
- Q Then this application is for yourself, two minor children, and a minor brother? A Yes, sir.
- Q Is your name or the name of your brother to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
- Q Did any one else ever make such application in your behalf or did any one ever make such application for your minor brother? A No, sir.
- Q Was any application made to this Commission in the year 1896 in your behalf or in behalf of your minor brother for the purpose of establishing your rights as Choctaw Indians under the act of Congress approved June 10, 1896? A I don't know whether application was made or not.
- Q So far as you know then neither you nor this brother have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Is this the first application of any description that has ever been made in your behalf or in behalf of this minor brother for the purpose of establishing your rights as Choctaws? A Yes, sir.
- Q So you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the state of Alabama. The object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaw and is commonly known as the Choctaw-Chickasaw country, Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave the old Nation and for the benefit of those Indians who insisted on being permitted to stay there what is known as the fourteenth article was put into the treaty. That article provided that upon certain

conditions those Choctaws who preferred to remain back there in the old Nation might receive land from the government. It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; do you think you understand it.
A Yes, sir.
- Q Did any of your ancestors ever comply with its provisions or ever receive any benefits under that article? A Not that I know of.
- Q Did any of them ever live in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Why I heard they did from my relatives.
- Q What one of your ancestors lived there at that time and was the head of a family? A I don't know; I have been informed that they lived there.
- Q You don't know what one of them lived there? A I don't know I think that this Elisabeth Brashear was there.
- Q You know in what County she lived at that time? A No, sir; I don't know that.
- Q You know whether she owned an improvement there at that time? A No, sir; I do not.
- Q You know whether she or any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the government in Mississippi to the Choctaws know that they wanted to stay in Mississippi, become citizens and take land? A I don't know; I understood they did.
- Q What one of them did you understand signified his intention to the agent to remain there, become a citizen of the States and take land? A If I am not mistaken Elisabeth Brashear.
- Q You just learned that recently Mr. Dums? A Yes; my uncles that registered told me, A. W. Dums and T. W., my father's brothers. I was not interested at that time and I never studied the matter up.
- Q Did any of your Choctaw ancestors ever receive any land from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek from the government? A I don't know.
- Q Did any of them remove from the old Choctaw Nation to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I could not say.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws who might desire to remain there, become citizens and take land under this fourteenth article. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there, become citizens and take land and on this account the government at its public land sales in Mississippi in many instances sold the land upon which Choctaws lived and had improvements and which they supposed they were to receive under article fourteen of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1845 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and went down to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q In an act of Congress approved August 23, 1842 provided in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select, in place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A I don't know.
- Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was made? A I could not say positively.
- Q Did any of your ancestors ever receive any benefits as Choctaws? A Not as I know of.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A My two uncles I believe would know about that.
- Q Your two uncles who have been here? A Yes, sir.
- Q What are their names? A A. W. Dumas is one; his first name is Aurelius W. The other one resides in Arkansas, Benton I believe is his post office. His name was Thad. W.
- Q Do you know of any one else who would know about this matter? A Mrs. M. E. Carruthers of Jackson, Mississippi; she is real old, about seventy-five somewhere.
- Q She any relation to you? A Yes; my second cousin.

#6

- Q Do you know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir; I can't tell you this question; I don't know.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.
- Q Any witnesses here today to testify in your behalf? A No, sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application they may appear before the Commission here at Muskeges within fifteen days from today and their testimony will be taken or if you should find any written evidence which you desire to offer in support of your application the same will be received for the consideration of the Commission within fifteen days from this date.

- Q Any further statements you want to make? A No, sir.
- Q What relation are you to Scott S. Dumas? A I claim relationship I don't know what the quantity is.
- Q Are you acquainted with him personally? A No, sir; I never met him.
- Q You claim through the same common ancestor, Elizabeth Brashers? A Yes, I don't know what the relationship is.

Reference is here made to M C R 4006 Scott S. Dumas, et al., the applicant in said case and the applicant in this case being the descendants of the same common ancestor.

- Q You don't speak or understand the Choctaw language? A No, sir; I do not.
- Q How many brothers have you? A Two.
- Q What is the name of your other brother besides Charles? A Muret, he has been before the Commission I think.
- Q Have you any sisters? A One who was here and registered, Lula.
- Q Lula what? A Lula Dumas.
- Q Married? A No sir.
- Q Have you any brothers or sisters dead who left children? A No, sir.
- Q Has your father any brothers living besides two whose names you have already given us? A No, sir.
- Q Your father any sisters living? A No, sir; he had one but she died at Aberdeen, Mississippi.
- Q Did she leave any children? A Yes, sir.
- Q How many children did she leave? A I think one.
- Q What was the name of this woman's husband? A Beth.
- Q Given name? A I don't know; I never met him.
- Q What was her name? A Carrie.
- Q What is the name of her child who is living? A Sharkey.
- Q About how old is he? A He is about thirty-one or two years old.
- Q Has he been before the Commission? A I understood he has.
- Q Did your father ever have any other brothers? A Yes, two I think.
- Q Did either of them leave children? A No, sir.

This applicant as the appearance of being a white man; he shows no indications of being possessed of Indian blood; he has black hair; rather dark complexion; brown eyes; he does not

#1

speak or understand the Choctaw language and has no knowledge of compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rasmussen being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 22, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

G. Rasmussen

Subscribed and sworn to before me this 26 day of August 1902.

B. Jones
Notary Public.

M.C.R. 6113.

Muskogee, Indian Territory, September 4, 1902.

J.B. Hall,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the original marriage license and certificate between Alexander Dumas and Mary E. Wilburn, offered for filing in support of the application made by Alexander Dumas for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

COPY:

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6113.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Alexander Dumas,
Vance, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5808
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennie Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4811
Lawrence W. Hollis, et al.,	M. C. R. 4810
Minnie H. Nicolds, et al.,	M. C. R. 4812
Mary C. McLeod, et al.,	M. C. R. 4813
Hattie E. Andrews, et al.,	M. C. R. 4814
Charlie T. Skinner, et al.,	M. C. R. 4815

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcels Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edm. M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Mennie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Misseniah Ellison, Leaa Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

Chairman.

Registered.

MCR-6113

Muskogee, Indian Territory, January 22, 1906.

Alexander Dumas,

Vance, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself, your minor children, Dixie M. and Melville S. Dumas, and your minor brother, Charles I. Dumas, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

For Identification as a Mississippi Choctaw.

JUL 28 1902

Date

Name Alexander Dumas

Age 27 Blood 1/32

Post-Office. Vance, Miss.

Father: Melville F Dumas d

Mother: Mary A " L

Claims through father.

wife: Mary Dumas L

No claim for wife.

By father

Children

Lixie M. Dumas 4 yr.

Melville S. Dumas 11 mo

Charles Dumas 19

Stenographer

G. Rosenevinkel

Choctaw MCR 6114

Elizabeth J. Miller

MCR 6114

Su F

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Elizabeth J.
Miller, et al., for identification as Mississippi Choctaws,
M.C.R. 6114

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Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. July 29, 1902.

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In the matter of the application for identification as Mississippi Choctaws of Elizabeth J. Miller for herself and her four minor children, Freddie, Eddie Guy, Sadie Belle and Clarence Miller.

Applicants not represented by attorney.

Elizabeth J. Miller being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Elizabeth Miller.
- Q Have you any middle initial? A Elizabeth J. Miller is my full name.
- Q How old are you? A I will be forty-two this September.
- Q How much Choctaw blood have you? A Well I think that my grandmother was a half-breed.
- Q You would be one-eighth then if the Choctaw blood just came on one side of your family, is that right? A Yes, sir.
- Q What is your post office address? A Coffeyville, Kansas.
- Q How long have you lived in the state of Kansas? A I have lived there a little over a month.
- Q Where did you live before that? A In Oklahoma in Day County.
- Q How long did you live there? A Almost two years.
- Q Where did you live before that? A Illinois.
- Q How long did you live in the state of Illinois? A We was one year in Kansas before we went to that country and I was born and raised in Illinois.
- Q Is your father living? A No, sir.
- Q What was his name? A Squire Allumbaugh, --A-l-l-u-m-b-a-u-g-h.
- Q Is your mother living? A No, sir.
- Q What was her name? A Carline Cory.
- Q Through which one of your parents do you get your Choctaw blood? A Mother.
- Q How long has your mother been dead? A Eighteen years this last June.
- Q About how old was she when she died? A Fifty-two or fifty-one I don't remember which it was.
- Q Where was she born? A She was born in Illinois.
- Q Lived there all of her life? A Yes, sir.
- Q Through which parent did you say she got her Choctaw blood? A her mother.
- Q What was her mother's name? A Betsy Ritchie that was her maiden name.
- Q What was her married name? A Cory.
- Q Was your mother her oldest child? A No, sir; she had a brother older.
- Q How much older than she? A About two years.
- Q Your mother was born about 1830, was she not? A Somewhere about there.

- Q Where was your mother's mother born? A I could not say; I think in North Carolina.
- Q Never lived in the state of Mississippi did she? A I could not say; I think they was there; I could not say for certain.
- Q This woman Betsy you claim to have been a half blood? A I think so.
- Q When did she die? A About twenty-five years ago.
- Q You have seen her have you? A Yes, sir.
- Q Could she speak the Choctaw language? A I could not tell you; I don't know that she could.
- Q Which one of her parents was an Indian? A I could not tell you that.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not that I know of.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q What is his name? A James B. Miller.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him do you? A No, sir.
- Q Have you any children living? A Yes, sir.
- Q How many? A Four.
- Q What are their names and ages; the oldest first please? A Freddie Miller, he will be twenty-one in January.
- Q Next one? A Eddie Guy.
- Q How old is he? A He will be nineteen next December.
- Q Next one? A Sadie Belle.
- Q That is a girl? A Yes, sir.
- Q How old is she? A Seventeen next September.
- Q Next one? A Clarence.
- Q How old is he? A Nine last July---This July .
- Q That is all your children is it? A Yes, sir.
- Q These children all living with you at this time? A Yes, sir.
- Q Are they the children of yourself and James B. Miller? A Yes, sir.
- Q Is any one of them married? A No, sir.
- Q This application is for yourself and four minor children? A Yes, sir.
- Q Is your name or the names of any one of these children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I think not; we have never claimed until the last few years and I don't think our names are on the rolls.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself and these children to be admitted or enrolled as citizens of the Choctaw Nation? A Not before.
- Q I am speaking of the tribal authorities; we are the United States authorities; the United States Commission to the Five Civilized Tribes? A No, sir.
- Q Did you in the year 1896 make application for yourself and these four children to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Then neither you nor your four children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory, have you? A No, sir.

- Q Has any application of any description ever been made before today for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these four children under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on September twenty-seventh, eighteen hundred and thirty, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in Mississippi and along the Western edge of the State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to the new country West of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave the old Nation and for the benefit of those who insisted on being permitted to remain their want is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain back there in the old Nation and not move out to this new country might receive land back there from the government. It is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q A If they ever removed?
- Q From the old Nation to the new after they could not be entitled to any portion of the Choctaw annuity? A Yes, sir.
- Q The Choctaw annuity is money which becomes due annually to the Choctaw Indians from the government of the United States under treaty provisions. You think you understand that fourteenth article? A I think so.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I have a cousin but I don't know whether she ever did; she can go to get my aunt to help her.
- Q How long has that been? A About ten or twelve years.

#3

- Q I mean did any of your ancestors who were living seventy-two years ago when this treaty was made comply with its provisions back there in, Mississippi by letting the agent of the government know that they wanted to stay there, take land and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors live in that old Choctaw Nation seventy-two years ago when this treaty was made? A I don't know.
- Q Did any of them own an improvement there at that time? A I don't know.
- Q Did any one of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I could not say; I don't know, anything about any of my people except my grandmother.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government there in Mississippi at that time, whose name was Colonel William Ward, know that they wanted to stay in Mississippi, take land and become citizens of the States? A Not that I know of.
- Q Did any one of your Choctaw ancestors ever receive any land from the government under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there, become citizens and take land. The records of the government show that this agent failed to register and report to the government the names of a great many Indians who did in fact let him know that they wanted to stay there, become citizens and take land. On this account the government at its public land sales in Mississippi in many instances sold the land upon which Choctaws lived and had improvements and which they supposed they would receive under article fourteen of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the president of the United States and went down to Mississippi between the years 1837 and 1845 and heard the cases of a great many Choctaw Indians.

- Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know that they did; my grandmother went back about in, it must have been somewhere between 1845 and fifty.

#4

- Q Where? A Back where she came from to Mississippi there some place. I know my mother has told me about it several times and what she did while she was there I don't know.

An act of Congress approved August 23rd 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select, in place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors get any of this scrip from the government under this act of Congress? A Not that I know of.
- Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir; not that I know of.
- Q You don't know whether any of them were, in 1830, when this treaty was ratified, recognized members of the Choctaw tribe of Indians? A No, sir; I don't know.
- Q Do you know of any person living who would likely know whether any of your ancestors ever complied with this treaty provision, seventy-two years ago, or ever received any benefits under that fourteenth article? A I don't know that any one knows.
- Q Do you know of any written evidence of any description; any deeds or patents or documents of any kind that would prove or tend to prove such a state of facts? A No, sir; not at present.
- Q Have you any written evidence with you at this time to offer in support of your application? A No, sir.
- Q Any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application they may appear before us here in Muskogee within a period of fifteen days and if you should find any written evidence which you desire to introduce before the Commission such proper written evidence as you may offer within a period of fifteen days from this date will receive the consideration of the Commission.

- Q Are there any other statements you desire to make at this time in support of your application? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any brothers or sisters living? A Two brothers and two sisters.
- Q What are their names? A The oldest one is Sarah Beasley.
- Q Where does she live? A She lives at Coffeyville.
- Q Has she ever been before the Commission? A No, sir; she intended to come with me but was not able.
- Q Next one? A Will Allumbaugh.
- Q Has he ever been before the Commission? A No, sir.
- Q Next one? A Mary Allumbaugh.
- Q Is she married? A No, sir.
- Q Next one? A John Allumbaugh.
- Q Have they been before the Commission? A No, sir.
- Q Have you any brothers dead? A Yes; I have one who died when he was small.

#5

- Q Any sisters dead? A No, sir.
- Q Has your mother any brothers living? A Yes, one. The last account I had from him he was living in Kansas.
- Q His name please? A Sam Cory.
- Q Has he ever been before this Commission? A No, sir.
- Q Did your mother ever have any other brothers? A Richard Cory, he is dead.
- Q Did he leave children? A Not that I know of; he had one son who went away and the last of our knowledge he is dead.
- Q What was his name? A Muther Cory.
- Q Did he have children? A No, sir; he was small.
- Q Your mother have any other brothers? A There was one died in the War but he had no family.
- Q Did your mother have any sisters? A Yes, sir.
- Q How many? A She had two.
- Q Is either sister living today? A One of them is.
- Q What is her name? A Susan Pryor.
- Q Where does she live? A In Illinois.
- Q What place? A Well I don't know her address.
- Q Has she ever been before this Commission? A No, sir.
- Q Has she any children living? A Yes; she has three living I think and one dead.
- Q What are the names of her living children? A Lydie.
- Q Married? A Yes, sir.
- Q Give her married name please? A Ludie, I can't think of her married name.
- Q Next one? A Elma Pryor.
- Q Next one? A Alda Pryor.
- Q Now what are the names of her children who are dead? A She was married twice, her name was Babcock, Lucy Babcock.
- Q Did your mother's other sister leave children? A Yes, sir.
- Q How many? A Five.
- Q What was that sister's name? A Jane Allumbaugh.
- Q What was her married name? A That was her married name; her and my mother married brother's. Two sisters married two brothers.
- Q What are the names of her children? A The first one is Tom.
- Q Next one? A Elijah.
- Q Next one? A Redmond.
- Q How do you spell that? A R-e-d-m-o-n-d.
- Q Next one? A Stephen.
- Q Next one? A Pratt.
- Q Are these boys living now? A I think that Reden is dead.
- Q Has any one of them been before the Commission? A No, sir; not that I know of.
- Q Where do they live? A The oldest one came here to the Territory and I understood he married a squaw, the last account I had. He may have been before the Commission and the other three children are in Texas.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; her hair is rather inclined to be dark; she has rather dark complexion; dark brown eyes; she does not speak or understand the Choctaw language and no knowledge of compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes

he reported in full all the proceedings had in the above entitled cause on July 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

Benjamin Kel

Subscribed and sworn to before me this 26 day of August 1902.

B. Jones
Notary Public.

C. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Elizabeth J.
Miller, et al., for identification as Mississippi Choctaws,
W.C.R. 6114

----D E C I S I O N ----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Elizabeth J. Miller for herself and her four minor children, Freddie, Eddie Guy, Sadie Belle and Clarence Miller, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Betsy Cory (nee Ritchie), who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Betsy Cory (nee Ritchie), or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Elizabeth J. Miller, Freddie Miller, Madie Guy Miller, Sadie Belle Miller and Clarence Miller as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Samuel D. Loring

Acting Chairman

J. B. Jackson

Commissioner

W. F. Jackson

Commissioner

Muskogee, Indian Territory

JAN 7 1903

Muskogee, Indian Territory, January 7, 1903.

Elizabeth J. Miller,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Elizabeth J. Miller, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth J. Miller, Freddie Miller, Eddie Guy Miller, Sallie Belle Miller and Clarence Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

-2-

case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 7, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.
Gentlemen:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Elizabeth J. Miller, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth J. Miller, Freddie Miller, Eddie Guy Miller, Sadie Belle Miller and Clarence Miller as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Elizabeth J. Miller, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 7, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 6114.00

Acting Chairman.

(COPY)

Land
6148-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

February 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Elizabeth J. Miller, for herself and four children, Freddie, Eddie Guy, Sadie Belle and Clarence Miller, wherein a decision adverse to the applicants was rendered by the Commission on January 7, 1903.

The record evidence in this case shows that the applicants claim identification by reason of their descent from Betsey (Ritchie) Cory, who, it is alleged, was a citizen of the Choctaw Nation and a resident of Alabama or Mississippi in 1830.

The decision of the Commission rejecting these applicants is founded on the fact that its records do not show that Betsey Corey (nee Ritchie), or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

-2-

The records of this office have been examined as to the name of Betsey (Ritchie) Cory, and it appears that no such person ever complied or attempted to comply with the provisions of the 14th article of the Chestaw treaty of 1830, and it is recommended, therefore, that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

(COPY)

D C 7645 -1903

DEPARTMENT OF THE INTERIOR.

EAF.

ITD.1848-1903.

Washington.

L.R.S.

March 16, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 23, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Elizabeth J. Miller and her minor children Freddie, Eddie Guy, Sadie Belle and Clarence Miller, including your decision of January 7, 1903, denying the application.

The applicants claim to be descendants of one Betsy Cory (nee Ritchie), who is alleged to have been a half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Betsy Cory, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 16, 1903, the Acting Commissioner of

-2-

Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to modify your decision and accordingly affirms the same.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Elizabeth J. Miller, et al., of which decision you were advised by mail on the 7th day of January, 1903.

Respectfully,

Tamm E. Little
Chairman.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERS TO REPLY TO THE FOLLOWING

M.C.R. 6114

Muskogee, Indian Territory, March 24, 1903.

Elizabeth J. Miller,
Coffeyville, Kansas.

Dear Madam:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Elizabeth J. Miller, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

JUL 29 1902

Name ^{Date} Elizabeth J. Miller
 Age 41 Blood 1/8
 Post-Office, Coffeyville, Kans.
 Father: Squire Blumbaugh d
 Mother: Carline " d

Claims through mother
 husband James B. Miller
 No claim for husband.
 Self as

Children:

Freddie	Miller	20
Eddie G.	"	18
Ladie B.	"	16
Clarence	"	9

Stenographer

J. Rosnauinkes



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 9 1903

ACTING CHAIRMAN

REGISTERED
MAR 2 1903
MUSKOGEE, IND. TER.

Spent by Muskogee
Arthur Benham
Guardian of
Coyote & Miller
July 2 = 1903

The Card for this was recd, checked &
returned Your Department.

Letter evidently taken out by wrong party



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Elizabeth J. Miller,

Coffeyville, Kansas.

OF THE U.S. DEPT. OF JUSTICE
RECEIVED
MAY 4 1903



7119

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE; IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



Elizabeth G Miller

Coffeyville

Kansas

COFFEYVILLE, KANS.
JAN 20 1883
(GONG & BROWN)

Choctaw MCR 6115

Nancy Lake

See MCR 5901

MCR 6115

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, July 29, 1902.

In the matter of the application of Nancy Lake for identification as a Mississippi Choctaw.

Nancy Lake being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nancy Lake.
 Q You have no middle name? A No sir.
 Q How old are you? A Twenty years old.
 Q How much Choctaw blood have you? A I dont know sir.
 Q What's your post office address? A Caddo.
 Q Caddo, Indian Territory? A Yes sir.
 Q How long have you lived in Caddo? A I left Texas the fifteenth of July.
 Q Do you intend to make that your permanent home? A Yes sir.
 Q How long did you live in Texas before you came to Caddo?
 A I was born and raised in Texas.
 Q Is your father living? A No sir.
 Q What was his name? A Harrison Davis.
 Q Is your mother living? A Yes sir.
 Q What's her name? A Mary Phillips
 Q Has she a middle initial? A I dont know.
 Q Did you ever hear that she had a middle initial C. A Yes sir.
 Q What does that C. stand for? A Catherine.
 Q Through which one of your parents do you get your Choctaw blood? A Mother.
 Q Did your mother appear before this Commission on the 27th of June last? A It was in June; I dont know what day.
 Q Have you a half brother named Floyd Williams? A Yes sir.
 Q And two half sisters named Viola and Verna Phillips?
 A Yes sir but one of them's a boy - Verna.
 Q Where was your mother born? A Texas.
 Q Lived there all her life? A Yes sir.
 Q Through which one of her parents did she get her Choctaw blood? A Her father.
 Q What was his name? A Bill Fisher.
 Q Is Bill Fisher living now? A Yes sir.
 Q Has he been before this Commission? A No sir I didn't come until yesterday.
 Q Has he been before this Commission? A Yes sir.
 Q About how old a man is he? A Sixty some odd.
 Q Where was he born? A I dont know sir; in Texas I reckon.
 Q Through which one of his parents did he get his Choctaw blood? A Father.
 Q What was his name? A Sampson Fisher. Sampson D. Fisher I think; I dont know.
 Q Where was Sampson born? A I dont know.
 Q Did you ever see him? A Yes sir.
 Q When did he die? A He died in ninety somewhere.
 Q About how old was he when he died? A Eighty four or five; I dont recollect.
 Q Do you know which one of his parents had Choctaw blood?
 A No sir I dont know a thing about it.

Navy Lake--2.

6115.

- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q Husband living? A Yes sir there he sits.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q What's his name? A Albert Lake.
- Q L-a-k-e? A Yes sir.
- Q Have you any children living? A No sir.
- Q This application then that you make now is for yourself only? A Yes sir.
- Q Is your name on any of the tribal rolls in Indian Territory? A Yes sir.
- Q It is? A Yes sir my names on the roll ; my grandfather and mother both gave in my name.
- Q I am talking about the tribal rolls prepared by the officers of the Choctaw Nation? A No sir I dont know.
- Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? How about that? A I dont know.
- Q You dont know? A No sir I dont know.
- Q You never have heard of your having been admitted have you? A No sir.
- Q Has any application of any description ever been made before today in your behalf for the purpose of establishing your rights as a Choctaw? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi-----

- A No sir I dont know any thing about that way back yonder

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on September 27, 1830 about seventy two years ago between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of those Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is commonly known as the Choctaw Chickasaw country in Indian Territory; At the time this treaty was made some of the Indians were unwilling to leave the old nation and for the benefit of those who preferred to remain back there what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions a Choctaw who

preferred to remain back in the old nation might receive land back there from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to be come citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q I have quoted in full the fourteenth article of the treaty of Dancing Rabbit Creek; you understand it do you?
- A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir.
- Q Are you sure of that? A Not that I know anything about.
- Q Did any of them live in what constituted the old Choctaw Nation in Mississippi and Alabama seventy two years ago at the time this treaty was made? A Not as I know of.
- Q Did any of them own an improvement ~~there~~ there at that time to your knowledge? A No sir.
- Q Did any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know that they wanted to stay back there and become citizens of the states and take land? A Not that I know of.
- Q Did any of them remove to the present Choctaw Nation in Indian territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1823 and 1838? A I don't know?
- Q Did any of them ever claim or receive any land from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know anything about.
- Q You don't know whether any of your ancestors were recognized members of the Choctaw tribe or not do you? A No sir

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent by the name of Colonel William Ward to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the states and take land under this fourteenth article; the records of the government show that Colonel Ward failed to register and report to the government the names of a great many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land and on this account the government

Nancy Lake--4.

at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President and they went to Mississippi between the years 1837 and 1845 and heard a great many of those Choctaw cases; did any of your ancestors appear before any of those commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved August 23rd, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government land some place else in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress? A Not as I know anything about.
- Q So far as you know then none of your ancestors ever received any benefits ~~xx~~ whatever as Choctaw Indians? A No sir.
- Q You don't know whether any of them were in 1830 recognized members of the tribe? A No sir.
- Q Do you know of any old person living who would likely know whether any of your ancestors complied or attempted to comply with the provisions of this fourteenth article or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time in support of your application? A No sir; I have none at all.
- Q Have you any witnesses here today to testify in your behalf?
- A No.

In case you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within fifteen days from this date and their testimony will be taken or if you should find any written evidence which you desire to offer in support of your application such proper written evidence as may be offered with a period of fifteen days will receive the consideration of the Commission.

Nancy Lake--5.

- Q Are there any further statements you desire to make at this time in support of your application - anything further you want to say? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

Special reference is hereby made to MC.R.5903, the principal applicant in said case being the mother of this applicant.

---0---

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; her hair is rather inclined to be light; complexion rather fair, brown eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 31st day of July 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 31, 1903.

Nancy Lake,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Fisher, et al.	M.C.R. 5901
Mary C. Phillips, et al.	M.C.R. 5903
Helena Bailey, et al.	M.C.R. 5904
Oscar F. Davis, et al.	M.C.R. 5905
Nancy Lake	M.C.R. 6115
John D. Fisher, et al.	M.C.R. 5902

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Fisher, William T. Fisher, Mary C. Phillips, Floyd

Nancy Lake,--2

Williams, Viola Phillips, Verna Phillips, Helena Bailey, Jesse Willie Bailey, Osoar F. Davis, John Harrison Davis, Nancy Lako, John D. Fisher, Dena V. Fisher and William A. Fisher as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James H. Smith
Acting Chairman.

Registered.

K.C.R. 6115.

Wuskogee, Indian Territory, February 13, 1903.

Nancy Lake,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th inst., in which you ask if you will be allowed sixty or ninety days longer "to get more proof."

In reply to your letter, you are informed that the fifteen days from January 31, 1903, heretofore granted you within which to file arguments in support of your claim as a Mississippi Choctaw to be forwarded to the Secretary of the Interior will expire on February 15, 1903.

February 16, 1903, the record in your case, together with the decision of the Commission, will be forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

You are further advised that the fifteen days granted applicants in Mississippi Choctaw cases within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior are granted under specific departmental

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instructions, and cannot be extended.

Respectfully,

Acting Chairman.

WCB.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R.6115.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Maskogee, Indian Territory, November 3, 1903.

Nancy Lake,

Caddo, Indian Territory.

Dear Madam:

You are hereby notified that on the 23rd day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Fisher, et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,

Chairman.

ECR 6115

COPY

Muskogee, Indian Territory, November 15, 1906.

Nancy Wake,

Caney, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 3, 1906, denied the motions filed in this office under the Act of Congress approved April 26, 1906, (34 Stats., 137), for a re-hearing of the applications of certain persons in the consolidated Mississippi Choctaw case of William H. Fisher, et al.

Respectfully,

SIGNED *Thomas C. Fisher*
Commissioner.

No. 6115

For Identification as a Mississippi Choctaw.

Date

JUL 29 1902

Name Nancy Lake

Age 20, Blood don't know.

Post-Office, Caddo, I. T.

Father Harrison Davis d

Mother Mary C. Phillips L

Claims through mother.

husband

Albert Lake L

No claim for husband

Children:

only.

Stenographer

Clara M. Woods.

6115

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 7 1903

[Signature]

CHAIRMAN

RECORDED
&
INDEXED
DEC 7 1903
U.S. DEPT. OF THE INTERIOR

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Nancy Lake,

~~Caddo Indian Territory.~~



END
OF
ROLL

